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1. REPORT DATE *(DD-MM-YYYY)*	2. REPORT TYPE	3. DATES COVERED *(From - To)*
10 June 2012	Master's Thesis	25 July 2011 - 15 June 2012

4. TITLE AND SUBTITLE

Preventing Genocide: A Framework for Military Planners

5a. CONTRACT NUMBER

5b. GRANT NUMBER

5c. PROGRAM ELEMENT NUMBER

6. AUTHOR(S)

LCDR Matthew S. Furlong, USCG

5d. PROJECT NUMBER

5e. TASK NUMBER

5f. WORK UNIT NUMBER

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)

Joint Forces Staff College
Joint Advanced Warfighting School
7800 Hampton BLVD.
Norfolk, VA 23511-1702

8. PERFORMING ORGANIZATION REPORT NUMBER

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)

10. SPONSOR/MONITOR'S ACRONYM(S)

11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT

Approved for public release, distribution is unlimited.

13. SUPPLEMENTARY NOTES

14. ABSTRACT

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15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			
Unclassified	Unclassified	Unclassified	Unclassified Unlimited	98	19b. TELEPHONE NUMBER *(Include area code)* 757-443-6301

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NATIONAL DEFENSE UNIVERSITY

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JOINT ADVANCED WARFIGHTING SCHOOL

PREVENTING GENOCIDE:

A FRAMEWORK FOR MILITARY PLANNERS

by

Matthew S. Furlong

Lieutenant Commander, United States Coast Guard

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A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

This paper is entirely my own work except as documented in footnotes.

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ABSTRACT

Genocide and mass atrocities are a threat to the international order. This impacts global security and ultimately the interests of the United States. President Obama has asserted that the United States is committed to the prevention of genocide and mass atrocities. Recent efforts to prevent or intervene have achieved a certain measure of success. One of the challenges of dealing with genocide and mass atrocities is truly understanding this problem and having broad strategic goals that can be translated into a practical operational level approach for a theater level commander.

This thesis examines genocide, examples of genocide since World War II, and analyzes the conditions that define the prelude to mass killing to derive useful policy decision points to help political and military leaders contemplating intervention. A framework derived from modern genocide theorists is proposed, that along with the tenets of operational art and design can be applied to Mass Atrocity Response Operations (MARO). This operationalization of response will identify a Joint Force Commander's requirements for success and provide recommendations for operational commanders tasked with MARO.

The United States can lead the world in the prevention of genocide and mass atrocities by ensuring that policy makers make decisions based on a thorough understanding of this problem and committing to actions that link strategic policy to operational level actions based on doctrine and the application of design.

ACKNOWLEDGEMENT

There are a number of people who I would like to thank for their help and encouragement during the writing of this thesis. My classmates in the JAWS AY 11-12 Class, especially those in Seminar One, provided significant motivation as we navigated our way through this course together. The instructors (Dr. Vardell Nesmith, COL Denis Doty and Dr. Keith Dickson) in Seminar One made the year an enjoyable, rewarding experience and provided outstanding leadership, mentorship, and instruction. Dr. Keith Dickson, my thesis advisor, contributed significantly to the quality of the product through his editing and counsel. His interest in this topic was very inspirational as the year went by. The library staff was always accessible and willing to help. The environment they provide is top notch and the library was my favorite place at the school while enrolled in JAWS. My parents set my moral compass and make me believe that this is an important topic. Lastly, my wife Tammie, who took care of everything that was not school related this year so that I could concentrate on the academic work.

DEDICATION

This thesis is dedicated to the victims of genocide and mass atrocities; especially those who have lost their lives since the signing of the Genocide Convention.

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INTRODUCTION

The twentieth century has been called the age of genocide.[1] From the Armenian genocide in Turkey from 1915-16, to the Holocaust from 1941-45, to the ethnic cleansing in the Balkans from 1992-95, to the slaughter of Tutsis in Rwanda in 1994, the previous century has seen, in the words of one historian, "one mass murder after another, so frequently and, in aggregate, of such massive destructiveness, that the problem of genocidal killing is worse than war."[2]

A key challenge to global security is the threat of genocide and mass atrocities. The *National Security Strategy* of the United States declares that security, prosperity and universal values contribute to overall global security.[3] Genocide and mass atrocities significantly detract from the international order. Because of this threat, the President has affirmed that "[t]he United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide."[4]

The January 2012 Strategic Guidance document for the Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,* contains a preface from the President that amplifies the message of the *National Security Strategy.* America, he writes, seeks "a just and sustainable international order where the rights and

[1] Roger W. Smith, "American Self-Interest and the Response to Genocide," *The Chronicle*, July 30, 2004.

[2] Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault On Humanity* (New York: PublicAffairs, 2009), xi.

[3] Barack H. Obama Jr., *National Security Strategy* (Washington, DC: The White House, May 2010), 40.

[4] Ibid., 48.

responsibilities of nations and people are upheld, especially the fundamental rights of every human being."[5] To meet this requirement of upholding universal values and fundamental human rights, the Department of Defense is tasked to "continue to develop joint doctrine and military response options to prevent and, if necessary, respond to mass atrocities."[6]

As a member of the United Nations, the United States has recognized the Responsibility to Protect, a doctrine that holds sovereign governments primarily responsible for the protection of people and the prevention of mass atrocities.[7] In states that are unable or unwilling to protect, or are themselves the perpetrators of mass atrocities, the international community has the authority to intervene. In keeping with the Responsibility to Protect, the *National Security Strategy* does not rule out, "in certain instances," unilateral military intervention.[8]

Issues of human security continue to challenge nations committed to a stable world order. Despite pledges to respond to threats of genocide, the world's most powerful nations have failed to act when confronted with mass killings. Threats like these will continue in the future as an unstable world attempts to deal with the social, political and economic consequences of globalization.

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[5] Barack H. Obama Jr., *Sustaining U.S. Global Leadership: Priorities For 21st Century Defense* (Washington, DC: The White House, January, 2012).

[6] Ibid., 6.

[7] International Commission on Intervention and State Sovereignty, "The Responsibility to Protect," http://responsibilitytoprotect.org/ICISS%20Report.pdf (accessed October 20. 2011). Responsibility to Protect, sometimes called R2P or RtoP, is a term first used as the title to a report written by the International Commission on Intervention and State Sovereignty (ICISS). The commission was formed in 2000, in an attempt to answer, the sovereignty vs. intervention debate. This term has become popular and was universally endorsed at the 2005 World Summit and then re-affirmed in 2006 by the U.N. Security Council. See R2P Coalition, "Responsibility to Protect," R2P Coalition, http://r2pcoalition.org/content/view/72/1/ (accessed October 20, 2011).

[8] Obama, *National Security Strategy*, 48.

In March of 2011, President Obama showed that U.S. commitment to prevention of mass atrocities was more than just rhetoric when he authorized military action in Libya to prevent further killing and enforce U.N. Security Council Resolution 1973. In his address to the nation on 28 March 2011, he stated his reasons for U.S. intervention. Fearing that Benghazi would "suffer a massacre that would have reverberated across the region and stained the conscience of the world" and having broad support, cooperation, and participation from other nations, he asserted there was an opportunity to protect helpless people. Emphasizing America's role as a leader with responsibilities to ensure human security, the President made it clear that America would not wait for images of slaughter and mass graves before acting.[9]

In October 2011, the President authorized combat-equipped U.S. forces to deploy to central Africa to provide assistance to regional forces attempting to remove Joseph Kony from the battlefield. Kony's Lord's Resistance Army (LRA) has murdered, raped, and kidnapped tens of thousands over the past two decades in central Africa. The LRA has no clear political agenda beyond a vision of a society that abides by the Ten Commandments. This group has had a disproportionate impact on regional security and efforts to thwart them by regional forces have been unsuccessful.[10] Although not genocide, it is an issue of human security that has resulted in a U.S. response.

Do the American actions in Libya and Africa indicate that the U.S. will focus on supporting human security and preventing mass atrocities and genocide? If so, how is

[9] Barack H. Obama Jr., "Remarks by the President in Address to the Nation on Libya," The White House, Office of the Press Secretary, http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya (accessed October 17, 2011).

[10] Barack H. Obama Jr., "Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the Lord's Resistance Army," The White House, Office of the Press Secretary, http://www.whitehouse.gov/the-press-office/2011/10/14/letter-president-speaker-house-representatives-and-president-pro-tempore (accessed October 17, 2011).

such a broad strategic goal translated into a practical operational level approach for a theater level commander? The U.S. needs clear strategic guidance that links ends-ways-means to prevent genocide. If the United States is committed to preventing or stopping mass atrocities and genocide, policy guidance must be translated to strategic-operational actions. A program exists called Mass Atrocity Response Operations[11] (MARO) that offers a definition of the ways to respond to genocide; however, it is ill-defined and lacks clear strategic-operational linkages.

In partial fulfillment of Franklin Roosevelt's post-war vision for peace and security, the United States led the effort to draft the 1948 United Nations (UN) Convention on the Prevention and Punishment of Genocide. The member nations pledged to prevent future atrocities against innocents and to ensure that no nation stood by while people were threatened with genocide. With the horrors of the Nazi genocide quite fresh in their minds, American citizens embraced this concept and, despite differing opinions regarding specific foreign policy objectives, there was consensus that genocide demanded a response. Yet, no American president since 1945 has intervened in a meaningful way to prevent or stop genocide. Even though the international protocol clearly defines genocide, the complex group dynamics that lead to genocidal actions are

[11] The Mass Atrocity Response Operation (MARO) Project was founded by Harvard lecturer Dr. Sarah Sewall in 2007 and is a collaborative effort of the Harvard Kennedy School and the U.S. Army Peacekeeping and Stability Operations Institute (PKSOI). The goal of the MARO Project is to enable the U.S. and other governments to prevent and halt genocide and mass atrocity through the effective use of military assets and force as part of a broader integrated strategy. The term "MARO" refers to a contingency operation to halt the widespread and systematic use of violence by state or non-state armed groups against non-combatants. The MARO Project works within the US, as well as internationally, to encourage adoption of the concepts and principles outlined in the MARO Handbook by the military and policymakers and foster greater understanding of tools that can be used to prevent and respond to mass atrocity and genocide. Through the work of the MARO Project, Mass Atrocity Response Operations are now becoming part of US military doctrine, training, exercising, and planning. Carr Center for Human Rights Policy, "MARO," Harvard College, http://www.hks.harvard.edu/cchrp/maro/ (accessed April 27, 2012).

not clearly understood in the policy community. Even less understood are the practical planning issues related both to prevention and intervention.

This thesis will examine the definition of genocide, look at examples of genocide since World War II, and analyze the conditions that define the prelude to mass killing to derive useful policy decision points to help political and military leaders contemplating intervention. A case study (Rwanda) will be used to illustrate these indicators as they could have been applied to this historical event. Joint doctrine and the tenets of operational art and design will then be used to lay a framework for how Mass Atrocity Response Operations (MARO) could be conducted to secure a population. This operationalization of response will identify a Joint Force Commander's requirements for success and provide recommendations for operational commanders tasked with MARO.

CHAPTER 1: A CRIME WITHOUT A NAME

We are in the presence of a crime without a name.[1]

Winston Churchill
1941 BBC Radio Address

Throughout history there are examples of large-scale slaughter perpetrated by one group on another. These incidents have been described variously as carnage, mass murder, massacre, butchery, slaying, bloodshed, race murder, and holocaust. With an estimated 60-150 million killed during the 20th century alone, this period in human history has seen a scale of killing like never before.[2]

Mass murder became a hallmark of the twentieth century as the power of the modern industrialized state was harnessed for the expressed purpose of systematic destruction. With the fall of the Soviet Union in 1991, ethnic animosities long suppressed were given their full expression in Bosnia and Kosovo. The collapse of political and social order in Africa over the past 40 years has led to tribal conflict. In both cases, one group sought the extermination of another group. These activities go by different names: crimes against humanity, war crimes, ethnic cleansing, and genocide.

Benjamin A. Valentino, a genocide expert, focuses on three types of killing that have occurred in the 20th century in his book, *Final Solutions: Mass Killing and Genocide in the 20th Century*. Valentino acknowledges the problems associated with the term genocide and does not use genocide in the strict legal sense. Instead, he prefers the

[1] British Library of Information, "Prime Minister Winston Churchill's Broadcast to the World about the Meeting with President Roosevelt," Ibiblio, http://www.ibiblio.org/pha/policy/1941/410824a.html (accessed 29 October, 2011).

[2] Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Cornell Studies in Security Affairs) (Ithaca and London: Cornell University Press, 2004), 1.

term mass killing and expands his study beyond acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. He uses a quantitative standard of more than 50,000 deaths within five years and focuses on three categories of mass killing that comprise the majority of violence in the 20th century. These categories are: communist mass killings (Soviet Union, China, Cambodia), ethnic mass killings (Turkish Armenia, Nazi Germany and Rwanda) and counter-guerilla mass killings (Guatemala and Afghanistan).

Raphael Lemkin coined the term genocide out of necessity in the 1940s to bring attention to the plight of the European Jews. Lemkin, a Polish Jew, held a deep fascination for the subject of atrocities from the time he was a young boy in eastern Poland. When he was a student at the University of Lvov in the 1920s, the assassination of the former Turkish minister of the interior, Talaat Pasha by a young Armenian garnered international attention. Talaat had been the architect of the Turkish mass murder of Armenians during the First World War. Lemkin's absorption with this event led him to pursue a law degree. In 1929, he independently began drafting a legal case that would prevent governments from conducting the targeted destruction of ethnic, national and religious groups.[3] His ideas, presented at the Madrid meeting of the League of Nations in 1933, received little attention until the latter part of the Second World War.[4] In 1944 he wrote a book, *Axis Rule in Occupied Europe,* coining the term genocide to refer to the purposeful destruction of ethnic, religious, or political groups. He also tied genocide to systematic cultural destruction, although this aspect of genocide was dropped

[3] Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002), 21

[4] Center for Jewish History, "Letters of Conscience: Raphael Lemkin and the Quest to End Genocide," Center for Jewish History, http://lemkin.cjh.org/exhibits/show/letters-of-conscience/polish-jewish-jurist, (accessed January 17, 2012).

from the legal definition settled upon at the end of World War Two. His ideas would form the legal framework for much of the post-war legislation that followed.

The catalyst for international action regarding genocide was the end of World War II and, of course, the Holocaust – the destruction of European Jews by Nazi Germany. Shocked at the barbarity of the death camps, the post-war world community sought to make amends and prevent such an event from ever happening again. Those responsible were brought to justice by the International Military Tribunal at Nuremberg on November 20, 1945.[5]

The International Military Tribunal had only considered genocide as a crime during the period from September 1939 until the end of the war. Cuba, Panama, and India presented a draft resolution that made genocide a crime in peacetime as well as war by placing it under universal jurisdiction. In December 1946, United Nations (UN) General Assembly Resolution 96 (I) was adopted, which affirmed the crime of genocide, but provided no clarification on the peacetime question or jurisdiction. It did, however, mandate the preparation of a draft convention on the crime of genocide.[6]

The 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide represented the world's attempt to make sure that the Holocaust would never happen again. Raphael Lemkin was a major contributor to this convention. Resolution 260 (III) A was adopted by the UN General Assembly on December 9, 1948

[5] United States Holocaust Memorial Museum, "International Military Tribunal at Nuremberg," United States Holocaust Memorial Museum, http://www.ushmm.org/wlc/en/article.php?ModuleId=10007069, (accessed January 17, 2012).

[6] William A. Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide," United Nations Audiovisual Library of International Law, 1, http://untreaty.un.org/cod/avl/pdf/ha/cppcg/cppcg_e.pdf (accessed November 5, 2011).

and has 19 articles (see Appendix A). The key provisions of the 1948 Convention are found in the preamble and Articles I-VIII.[7]

The preamble of the convention reaffirms that genocide is a crime and further states "that at all periods of history genocide has inflicted great losses on humanity, and being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required."[8]

Article I addresses the issue that genocide can be committed either in peace or wartime and that it is punishable under international law. Genocide is established as a separate category of crime, not related to crimes against humanity, which were defined by the 1945 London Charter of the International Military Tribunal (Nuremberg Charter), Article 6(c) as "murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."[9] Genocide was raised to its own special category because of the horrific nature of the crimes which had been perpetrated during World War II, the lack of legal basis for these crimes and the inability of the international community to hold accountable the sovereign leaders who were the perpetrators.

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[7] Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide," 4. The Convention on the Prevention and Punishment of the Crime of Genocide which was adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948 has 19 total articles. The last ten articles are primarily technical in nature and review issues such as authentic language versions, application in non-self-governing territories, entry into force, revision and denunciation.

[8] Prevent Genocide International, "Convention on the Prevention and Punishment of the Crime of Genocide," Prevent Genocide International, http://www.preventgenocide.org/law/convention/text.htm#links (accessed October 15, 2011).

[9] Washington University School of Law, "Definitions of Crimes Against Humanity," Whitney R. Harris World Law Institute, http://law.wustl.edu/harris/crimesagainsthumanity/?page_id=469 (accessed January 23, 2012).

Article II defines genocide as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[10]

Article III regards genocide itself, the conspiracy to commit genocide, any direct and public incitement to commit genocide, or complicity in genocide, as all punishable under international law. The provision for acts other than genocide itself set an important precedent because it makes any attempt to initiate or support genocidal acts as crimes. It also establishes the important principle for the international community to take action to prevent genocide. Most importantly, Article III declared that genocide itself (the actual destruction) does not have to occur or been completed to be declared a criminal act.[11]

Article IV states that perpetrators of genocide, whether they are private citizens, government officials, or heads of state, shall be held accountable. This important provision ensures that government officials are not absolved of crimes committed under orders of the head of state.[12]

Article V stipulates that States enact legislation to meet the Convention's provisions, and to ensure that effective penalties are provided for. In most cases states have either adopted the language of the convention into their own penal codes or deemed

[10] Prevent Genocide International, "Convention on the Prevention and Punishment of the Crime of Genocide," Prevent Genocide International, http://www.preventgenocide.org/law/convention/text.htm#links (accessed October 15, 2011). Genocide is defined as the following acts: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

[11] Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide," 1.

[12] Paola Gaeta, "On What Conditions Can a State Be Held Responsible for Genocide?" *European Journal of International Law 18*, no.4 (2007), 631-648, http://ejil.oxfordjournals.org/content/18/4/631.full#fn-12, (accessed November 5, 2011). This idea comes directly from Article 7 of the Statute of the Nuremberg Tribunal Nuremberg Tribunal which stated "the official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment."

that the underlying crimes of murder and assault were already adequately covered and needed no further clarification.[13]

The convention's other articles allow for the appointment of tribunals, extradition, and assert the authority of the UN to prevent or suppress genocide. The International Court of Justice has the authority under the convention to make rulings regarding the interpretations of the convention.

The convention is largely a moral declaration rather than a substantive legal document. Because genocide is narrowly defined, what constitutes genocide is still hotly debated in the international community. States are far less willing to employ the powerfully loaded term genocide than they are more vague phrases such as crimes against humanity, war crimes or ethnic cleansing.

The term crimes against humanity was used during the Nuremberg trials, where it was used synonymously with genocide. Although genocide was used by the International Military Tribunal in 1945, the final text uses crimes against humanity to describe the persecution and physical extermination of national, ethnic, racial and religious minorities.[14] Later, the use of crimes against humanity required that it be codified so that it could be legally separated from the narrowly defined crime of genocide. This also allowed prosecution in instances when atrocities could not legally be defined as genocide.

The International Criminal Court (ICC) expanded on the Genocide Convention's narrow framework and met its provisions for an international body to oversee prosecution of genocide as well as other crimes. It was ratified in July 2002, fifty-four years after the

[13] Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide,"3.
[14] Ibid., 1.

Genocide Convention. The court has jurisdiction over and defines the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

Article 7 and 8 of the Rome Statute of the International Criminal Court, specifically deal with crimes against humanity and war crimes respectively, which do not fall under the Genocide Convention (see appendix B). Some of these crimes are described as "persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender…or other grounds that are universally recognized as impermissible under international law."[15] Crimes also included were "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."[16] Both these provisions allow the legal justification for the prosecution and punishment for violence committed against people in places like Bosnia or Darfur where the crimes, while horrific, are still below the threshold of genocide as defined by the convention.

The definition of crimes against humanity updates crimes that are not covered under the Genocide Convention. Certainly, this term is regaining its importance lost since the Nuremberg Trials. For example, in 2005, in its report to the United Nations Secretary-General Kofi Anon, the International Commission of Inquiry on Darfur made it clear that "crimes against humanity might, in some cases, be just as serious as genocide."[17] Indeed, the commission went so far as to say that crimes against humanity remained one of the "most serious crimes of concern to the international community as a

[15] United Nations, "Rome Statute of the International Criminal Court," United Nations, http://untreaty.un.org/cod/icc/statute/romefra.htm (accessed January 18, 2012)

[16] Ibid.

[17] Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide," 5.

whole."[18] While the legal definitions are important, especially for arrest and prosecution, for the policy maker or military planner, semantics regarding definitions create ambiguity when attempting to translate legal definitions into practical policy guidance.[19]

[18] Ibid., 5.

[19] This thesis will use the same convention as the Genocide Prevention Task Force (GPTF) launched on November 13, 2007 and co-chaired by former Secretary of State Madeleine K. Albright and former Secretary of Defense William S. Cohen. The GPTF addressed "genocide and mass atrocities," defined as large-scale and deliberate attacks on civilians. See United States Institute of Peace, Genocide Prevention Task Force: Providing a Blueprint for U.S. Policymakers," Genocide Prevention Task Force, http://www.usip.org/genocide_taskforce/index.html (accessed February 28, 2012). In August 2011, the Presidential Study Directive on Mass Atrocities (PSD-10) directed the establishment of the Atrocities Prevention Board. The President's goal is to ensure senior policy makers have a full menu of options through a "comprehensive policy framework and corresponding interagency mechanism for preventing and responding to mass atrocities and genocide." The Atrocities Prevention Board's purpose is to coordinate a whole of government approach and institutionalize coordination of atrocity prevention to ensure that the U.S. national security apparatus recognizes and is responsive to early indicators of potential atrocities. It specifies that departments and agencies develop and implement comprehensive atrocity prevention and response strategies in a manner that allows "red flags" and dissent to be raised to decision makers. The PSD further desires that the U.S. increase the capacity and develop doctrine for the foreign service, the armed services, development professionals, and others to engage in the full spectrum of smart prevention activities and that the U.S. is optimally positioned to work with its allies in order to ensure that the burdens of atrocity prevention and response are appropriately shared. See also The White House, "Presidential Study Dircetive on Mass Atrocities," Office of the Press Secretary, http://www.whitehouse.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities (accessed January 25, 2012).

CHAPTER 2: THE EIGHT STAGES OF GENOCIDE

> He and others like him were ordered to have the cells under their command make lists of Tutsis in their various communes. Jean-Pierre suspected these lists were being made so that, when the time came, the Tutsis, or the *Inyenzi* as Rwandan hate radio called them…could easily be rounded up and exterminated.[1]
>
> Lieutenant General Roméo Dallaire
> UNAMIR Commander

Having examined genocide in the context of the post-World War II convention and the legal definitions regarding this problem, Greg Stanton's model of genocide will be investigated. Stanton is one of the leading scholars of comparative genocide, a former diplomat at the U.S. State Department, and the founder of the first dedicated anti-genocide organization, Genocide Watch. Stanton's stages have become the norm for describing how a genocidal campaign will progress. His model describes how genocide progresses, and although every situation is unique, the steps toward killing are similar.[2] One only need look at historical examples to see that his theory has merit.

The understanding of genocide has evolved dramatically since the end of the Second World War. Genocide as a phenomenon is understood to proceed through eight stages that normally, but not always, follow a progression of escalation. Rather than a linear path, however, genocide should be thought of a circular flow; without intervention there is strong evidence to suggest that the cycle will continue to its finality, and eventually reoccur. Identification of the stages is crucial and early identification helps

[1] Dallaire and Power, Shake Hands with the Devil: The Failure of Humanity in Rwanda, p. 142.
[2] Julia Pettengill, "A Guilt Beyond Crime: The Future of Genocide Prevention in the Anglo-American Sphere," The Henry Jackson Society http://www.henryjacksonsociety.org/cms/harriercollectionitems/A%20Guilt%20Beyond%20Crime.pdf (accessed January 23, 2012).

policy makers to gain an understanding of the environment and react with suitable courses of action. This early identification of the stages within the cycle allows policy makers to be proactive rather than reactive, making it possible to break the chain early in the process.

The first two stages of genocide are classification and symbolization. These stages encompass things that all human beings do naturally as they try to understand their environment and place things in the proper order in their cognitive framework. As such, neither classification nor symbolization is inherently bad. It is when the intent is for the separation, expulsion, or destruction of a group that these two stages take on darker undertones. Societies that do not have mixed categories are often most prone to experience genocide.[3]

Classification occurs whenever groups are identified by ethnicity, race, religion, or nationality and are not considered part of a homogenous society. This classification often occurs naturally and does not automatically mean that eventual violence will occur. These divisions can, however, become the foundation upon which prejudice and hatred are built and can foment eventual violence. In Rwanda, for example, not only were physical differences between Hutu and Tutsi very apparent, but the people also identified and thought of themselves as Hutu or Tutsi, not as Rwandans. The system of identity cards left over from Belgian colonialism perpetuated classification and resulted in many deaths.[4]

An expression of classification that goes beyond thought or word is symbolization. The symbolization usually takes two forms, either naming or through the

[3] Gregory H. Stanton, "The 8 Stages of Genocide," Genocide Watch, http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html (accessed November 30, 2011)

[4] Dallaire and Power, *Shake Hands with the Devil*, 281.

use of a physical symbol as distinctive identification. Use of identifying words like Jew, Gypsy or Bosniak immediately classifies a group of people into one group or another. The best known use of a designator was the Nazi law requiring Jews to wear a gold star on their clothing and to mark their homes and businesses as well. In Cambodia, the Khmer Rouge required individuals from the eastern zone of the country to wear blue scarves at all times. An eyewitness described what the blue scarf meant. "People from the Eastern zone would be known by their scarf. If you were wearing a blue scarf they would kill you. There was a plan to kill all the Eastern zone people. They were not going to spare any of them."[5] The Taliban issued a fatwa in May of 2001 requiring non-Muslims to wear a piece of yellow cloth whenever they ventured outdoors. This decree primarily affected Hindus and Sikhs, the only non-Muslim group of any significant size.[6]

While classification and symbolization can occur routinely with no malevolent intent and not foretell violence of any kind, dehumanization is considered a tipping point on the path to violence.[7] Dehumanization occurs any time one group of people is described or treated as less than human. Dehumanization is frequently caused by propaganda that perpetuates long standing prejudice and enmity. It produces a pernicious belief among one group that another group is truly lesser - less worthy to exist in anything other than a slave-master relationship and sometimes less worthy to live at all. The dehumanization frequently identifies a particular group with animal characteristics,

[5] Gregory Stanton, "Blue Scarves and Gold Stars: Classification and Symbolization in the Cambodian Genocide," (The Faulds Lecture, Warren Wilson College, Swannanoa, North Carolina, March, 1987) http://www.genocidewatch.org/images/AboutGen89BlueScarvesandYellowStars.pdf (accessed December 3, 2011).

[6] Sayed Salahuddin, "Afghan Hindus Divided Over Taliban Yellow Badge," Afghanistan News Center, http://www.afghanistannewscenter.com/news/2001/may/may23d2001.html (accessed December 3, 2011).

[7] Genocide Watch, "Gregory Stanton: The Eight Stages of Genocide," You Tube, online video clip, http://www.youtube.com/watch?v=B70d2Z9yago (accessed November 30, 2011).

or as animals, insects, microbes, or disease. Once the dehumanization process becomes prevalent, the normal impediments to violence are removed. The thought process that goes into hurting or killing becomes as simple as when one contemplates stepping on a bug or killing a mouse; it is done virtually without a passing thought. Adolf Hitler described the Jews as vermin or rats and a "racial tuberculosis of peoples."[8] Tutsis were called *inyenzi* (cockroach), during *Radio Télévision Libre des Mille Collines* (RTLM) broadcasts and in the alleged Hutu extremist newspaper, *Kangura*.[9] The dehumanization of Tutsis in Rwanda was so complete, that an imprisoned Hutu killer in an interview said, "We no longer considered the Tutsi as humans or even as creatures of God."[10] More recently Iranian President, Mahmoud Ahmedinajad, a Holocaust denier known for his anti-Israel rhetoric, described Iranians who protested after his disputed 2009 election win as "dirt and dust."[11] This type of rhetoric should not be discounted as an indicator of dehumanization.

Organization is the next step down the path toward a genocidal campaign. Genocide is always a crime committed by a group. These groups can be in the form of government officials, state associated groups such as militias, or non-state actors. The Holocaust was a clearly articulated genocidal campaign perpetrated by the German National Socialist government. In Darfur, the Janjaweed acted in militia-type groups

[8] Richard Rhodes, *Masters of Death: the SS-Einsatzgruppen and the Invention of the Holocaust* (New York: Knopf, 2002), 34.

[9] Mary Kimani, "Rwanda: 'Propaganda' Radio And Newspaper Used Code Words, Witness Says," *allAfrica*, March 20, 2002, http://allafrica.com/stories/200203210195.html (accessed December 3, 2011).

[10] Jean Hatzfeld, *Machete Season: the Killers in Rwanda Speak: a Report*, 1st American ed. (New York: Farrar, Straus and Giroux, 2005), 144.

[11] Maziar Bahari and Aimee Molloy, *Then They Came For Me: A Family's Story of Love, Captivity, and Survival* (New York: Random House, 2011), 67.

operating on the government's orders but separately so as to provide deniability.[12] In Rwanda, the Hutu civilian populace was incited to action largely through media, primarily radio. Because radio is still one of the principal means for Africans to receive information this method was very effective at delivering anti-Tutsi propaganda to a wide audience and later, in giving direction to actually accomplish the killing. These genocidal messages ultimately led back to the government, but the perpetrators of the killing consisted almost entirely of the civilian Hutu populace.

Once a genocidal group has organized and killing begins, there is usually a polarization that occurs and often moderates on both sides are the first to be imprisoned or killed. This is to prevent the moderates in the perpetrator's group from possibly derailing the genocidal campaign. Killing and imprisonment on a small scale facilitates more widespread acts as the campaign progresses. After Hitler assumed power in 1933, organized attacks on Jews broke out across Germany. Soon after, the Dachau concentration camp opened and became a place of internment for communists, socialists, German liberals, and anyone considered an enemy of the Reich.[13] In Rwanda, the killing began when the airplane carrying Presidents Juvenal Habyarimana of Rwanda and Cyprien Ntaryamira of Burundi (both Hutus) was shot down on approach to Kigali Airport. This assassination of two Hutu presidents, during a volatile political transition and in the course of a fragile ceasefire, unleashed considerable violence. It is still not clear who was responsible, but there is evidence suggesting that Hutu extremists within

[12] Gregory H. Stanton, "The 8 Stages of Genocide," Genocide Watch, http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html (accessed December 3, 2011).

[13] Yad Vashem, "Nazi Germany and the Jews 1933-1939: Rise of the Nazis and Beginning of Persecution," Yad Vashem, http://www1.yadvashem.org/yv/en/holocaust/about/01/persecution.asp (accessed December 3, 2011).

the government engineered the shootdown.[14] Regardless of culpability, the event was extremely polarizing and prompted the violence that began in April 1994 in Rwanda.

When the polarization of a society is complete, the preparation of the victim group begins. Victims are often forced to display the previously discussed symbols facilitating their separation, deportation, or ghettoization. Frequently, a government's first attempt is to physically separate a targeted group within its borders, as occurred during the ghettoization of Jews during World War II. This option may eventually be deemed unsatisfactory for a multitude of reasons. The difficulty of confining the victim group to a particular neighborhood, the affront that their continued presence represents or desire for that territory and property may cause a government to want to physically deport the victim group. Unfortunately for the victim group, the deportation is usually to an inhospitable place and involves mistreatment and neglect. Both the Armenians and Jews were transported like cattle, with little food or water, inadequate sanitation, or protection from the elements. The Turkish government's resettlement of the Armenians to the Syrian desert resulted in a large number of deaths along the way.[15] In the case of the German Jews, they were initially to be resettled to a marshy area in the Lublin region of Poland.[16] Later, Heinrich Himmler, chief of Hitler's plan for elimination of the Jews, said "I hope to see the concept of the Jews completely erased, possibly by means of a large emigration of the collected Jews to Africa or else to a colony."[17] This solution

[14] Tiphaine Dickson, "Rwanda's Deadliest Secret: Who Shot Down President Habyarimana's Plane?" Centre for Research on Globalization, http://www.globalresearch.ca/index.php?context=va&aid=11133 (accessed December 3, 2011).

[15] A&E Television Network, "This Day in History," History.com, http://www.history.com/this-day-in-history/large-scale-deportations-of-armenians-begin-in-turkey (accessed December 12, 2011).

[16] Shoah Resource Center, The International School for Holocaust Studies, " Nisko and Lublin Plan," Shoah Resource Center, http://www1.yadvashem.org/odot_pdf/microsoft%20word%20-%205965.pdf (accessed December 21, 2011).

[17] Richard Rhodes, *Masters of Death*, 99.

proved unsatisfactory to the Nazis, who moved on to deadlier methods once war began in 1939.

Extermination is the activity most often associated with genocide. It is when mass killings occur. It is classified as extermination because through successful dehumanization the victims are perceived as less than human and it is meant to accomplish total eradication. Frequently, the killers believe they are accomplishing something good for their society; it is a purifying action. The Nazis believed they were making Germany and the rest of Europe stronger through the destruction of the Jews. The Soviets and later, the Cambodians, hoped to produce a classless society in their pursuit of a socialist utopia. The Hutu's goal was for a perfect Hutu country in a Rwanda devoid of Tutsis.[18]

Denial is the last stage of genocide. It is the surest indicator of future atrocities, yet comes too late to serve as anything beyond a lesson for history.[19] The attempts by the perpetrators to hide their crimes and erase the existence of the victims provide proof that the killings were illegitimate. Efforts are made to remove all evidence of what happened. The Turkish government to this day resists the idea that they committed genocide upon the Armenians, despite overwhelming evidence that this is exactly what happened. Deniability, among other reasons, has much to do with why the Nazis shifted from mass graves to cremation. Had they not wanted to hide what they had done from the international community, they would not have changed their methods. The destruction of

[18] Genocide Watch, "Gregory Stanton: The Eight Stages of Genocide," You Tube, online video clip, http://www.youtube.com/watch?v=B70d2Z9yago (accessed December 12, 2011).

[19] Gregory H. Stanton, "The 8 Stages of Genocide," Genocide Watch, http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html (accessed December 21, 2011)

mass graves, moving of bodies, and razing of camps is proof that perpetrators know that what they are doing is wrong and are attempting to avoid being held accountable.

Stanton's model has become the norm for describing the progression of a genocidal campaign but because of its narrow focus on genocide it must be expanded to account for other types of violence that may still require a military response. Chapter Three will present other theories of genocide and mass atrocities, evaluate them, and synthesize an approach more suited to MARO.

CHAPTER 3: GENOCIDE THEORIES

> Genocide is a fearsome word, evoking a phenomenon nearly biblical in its fury; we should not be surprised that politicians retreat in its presence. How can a few thousand GIs defeat it? Would not their weapons be like spears against a tidal wave? But we should not feel helpless in the search for the DNA of genocide and ways to defeat it. Genocide is a policy, not a monster. It is implemented, often imperfectly, by men and women…[1]

The United Nations has two special advisors to address the issue of genocide and mass atrocities, the Special Adviser on the Prevention of Genocide and Special Adviser on the Responsibility to Protect. Both share a charter to prevent genocide, war crimes, ethnic cleansing and crimes against humanity by providing alerts, and to work with member states, regional and sub-regional arrangements, and civil society to develop more effective means of response when prevention fails.[2] The UN sees its role in preventing genocide as ensuring that equality exists among all groups in society. Early prevention depends on eliminating gross political and economic inequalities, good governance and respect for human rights.

The Office of the Special Adviser on the Prevention of Genocide (OSAPG) argues that to prevent genocide and mass atrocities it is critically important to understand their root causes. They posit that genocidal conflict is identity-based and occurs in societies with diverse national, racial, ethnic, or religious groups that engage in identity-related conflicts. Other conditional factors that exist between groups such as

[1] Nicolaus Mills, Kira Brunner and editors, *The New Killing Fields: Massacre and the Politics of Intervention* (New York, NY: Basic Books, 2002), 142.

[2] United Nations, Department of Public Information, "Office of the Special Adviser on the Prevention of Genocide," United Nations, http://www.un.org/en/preventgenocide/adviser/index.shtml (accessed February 20, 2012).

access to power and wealth, services and resources, employment, development opportunities, or fundamental rights and freedoms contribute to this problem. Additionally, these conflicts are fomented by discrimination, hate speech, and other violations of human rights. Effective prevention requires identification of discriminatory practices so that disparities can be alleviated.[3] To help predict where future genocide might occur the OSAPG has developed a framework that identifies eight factors that can cumulatively increase the risk of genocide. [4]

Unfortunately, the OSAPG framework is of limited utility to the military planner because it focuses on symptoms and fixing societal problems of inequality not in the purview of the military. The eight OSAPG factors are commonly found even in places where genocide and mass atrocities do not occur. Their ubiquity, therefore, makes them of little use when attempting to predict violence related to genocide or mass atrocities. The same can be said for group inequality; it can be found just as often in places where violence does not occur. As a tool for prevention or intervention, the OSAPG's factors are not very useful. This framework primarily identifies conditions (what is going on) and as a standalone framework, is of limited utility to political leaders or military planners.

[3] United Nations, "Office of the Special Adviser on the Prevention of Genocide."

[4] Office of the Special Adviser on the Prevention of Genocide, *OSAPG Pamphlet*, New York, United Nations, 2010), http://www.un.org/en/preventgenocide/adviser/pdf/osapg_overview.pdf (accessed January 15, 2012). The OSAPG factors are: 1) tense inter-group relations, including a record of discrimination and/or other human rights violations committed against a group; 2) weak institutional capacity to prevent genocide, such as the lack of an independent judiciary, ineffective national human rights institutions, the absence of international actors capable of protecting vulnerable groups, a lack of impartial security forces and media; 3) the presence of illegal arms and armed elements; 4) underlying political, economic, military or other motivation to target a group; 5) circumstances that facilitate perpetration of genocide, such as sudden or gradual strengthening of the military or security apparatus; 6) acts that could be elements of genocide, such as killings, abductions and disappearances, torture, rape and sexual violence, "ethnic cleansing" or pogroms or the deliberate deprivation of food; 7) evidence of the "intent to destroy in whole or in part'; 8) triggering factors such as elections.

Linda Woolf and Michael Hulsizer argue in their article "Psychosocial roots of genocide: risk, prevention and intervention" that movement towards violence may be predicted by looking at psychosocial factors including group cultural history, situational factors, social psychological factors and context, and interpersonal factors. These factors can be analyzed to determine the probability that a society may proceed through the stages of violence that lead to genocide.[5] Their argument goes beyond the general conditions that make up the OSAPG framework and attempts to explain not only how, but why genocide and mass atrocities occur.

Woolf and Hulsizer describe a parallel process that identifies both societal conditions (the environment) and psychosocial factors (the people). This parallel structure aids in better explaining not only what is occurring, but why and shows the linkages between thoughts and deeds. This argument focuses heavily on psychological and sociological theory; how groups think about themselves and others and the ways that this can be manipulated. The three main tenets of their argument address cultural history, situational factors and social psychological factors, with the ultimate goal being that identification aided by understanding will be a more reliable predictor for prevention of genocide and mass atrocities. Their cultural history discussion looks at three factors that they feel contribute to genocide: 1) aggression as a means of problem solving, 2) perceived threat orientation, and 3) ideologies of supremacy. In the first instance, some cultures use violence routinely enough that they are assumed to be "the natural order of life."[6] Other cultures such as Quakers or Amish espouse values of non-violence and are

[5]Linda M. Woolf and Michael R. Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention,"*Journal of Genocide Research* 7, no. 1 (2005): 101-28, http://www.webster.edu/~woolflm/WoolfHulsizerJGR05.pdf (accessed November 18, 2011).

[6] Ibid., 101-28.

less prone toward this kind of behavior. This cultural bent makes genocide or mass atrocity more or less of a possibility. In the second instance, groups habituated to violence are more prone to prejudice and to view anyone outside their group as a threat. This allows one group to portray another as a threat and portrayal in such a manner makes it then easier to act against that threat. This is what happened to the Armenians, who the Turks portrayed as potential conspirators supporting the invading Russian Army in 1914. History shows that leaders who talk about getting rid of groups carry through on their threats. Adolf Hitler focused on the Jews in a 1920 speech, "Why We Are Anti-Semites" that foretold of the holocaust almost 20 years before it became a reality. A more modern example is the Iranian President, Mahmoud Ahmadinejad, calling for the destruction of Israel. In the final instance, Woolf and Hulsizer state that cultures that believe they are somehow superior are more prone to violence. Often the dehumanization of those outside the group is concomitant with this belief of superiority. This can be seen in particular toward those who the group perceives as a threat, as occurred with the Nazis, who considered the Poles, Slavs, and Gypsies as sub-human.[7]

Woolf and Hulsizer acknowledge that history and prejudice alone are not sufficient to foment violence. Deep anti-Semitism existed in Europe for centuries before the Nazis attempted to wipe out the Jews, and the deep-seated racial prejudice that existed in the American South did not end in genocide or mass atrocity. Other factors, to include destabilizing crises and authoritarian leaders, are needed for these conditions to blossom into action. The feelings of fear that crises can evoke in individuals can also apply at the macro level and contribute to groups committing genocide or mass atrocities.

[7] Woolf and Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention," 102-104.

Fear exacerbates feelings that certain outsiders are a threat. Crises (such as war) can also contribute to competition for resources, increased perceptions of threat, or provide cover for violent action.

Woolf and Hulsizer also highlight the difficulty of arranging genocide and mass atrocities, and thus, point to the key role that leaders play in turning violence to genocide or mass murder.[8] Authoritarian leaders play a significant role in facilitating the progression toward violence. These types of governments frequently ignore human rights and rule of law. As they consolidate power, they eliminate their opponents and make it harder for moderate voices to be heard. Once authoritarian leaders have power it is easier for them move a population toward violence. What and how people think can be manipulated toward destructive ends. Propaganda, blame, and control of the media make it possible to influence feelings toward other groups and propagate this violence.

As part of their study, Woolf and Hulsizer also offer a model delineating basic stages on the path to genocide and mass atrocity that very closely follows Stanton's which was discussed in Chapter 2. Woolf and Hulsizer's model is linear and describes a parallel progression along two lines. The primary line describes a seven stage progression of violence (acts), while the secondary line describes accompanying social psychological factors (perceptions about the out-group). Between the two lines environmental conditions are also accounted for such as history, crisis or an authoritarian leader (See Figure 1).

[8] Woolf and Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention," 105-106.

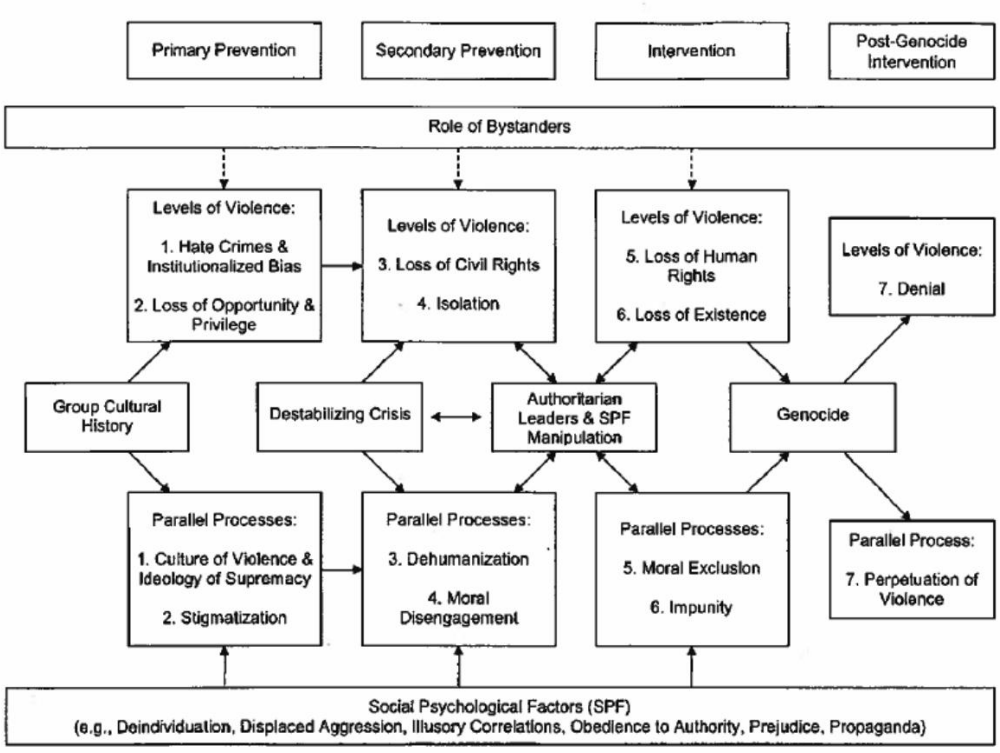

Figure 1: Woolf and Hulsizer's path to mass violence and genocide[9]

The stages of the Woolf and Hulsizer model relate almost directly to Stanton's eight stages although stage five in the Woolf and Hulsizer model combines polarization and preparation. Except for this modification, which results in one less total stage the models are very similar, with Woolf and Hulsizer expanding on Stanton's model to account for social psychological factors, group cultural history, crises, authoritarian leaders and the role of bystanders. In addition to destabilizing crises and authoritarian leaders, the role of bystanders is critically important for them, as moral disengagement and then exclusion facilitates the perpetuation of violence against a specific group.

[9] Woolf and Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention," 115.

This diagram assumes a logical progression from understanding how a people see themselves in the world, the conditions which can lead to action (violence) and finally how these conditions can be manipulated by leaders.

Woolf and Hulsizer provide useful context for military planners to understand the psychosocial background and assess both levels of violence, and actions leading to genocide and mass atrocities. This model is helpful for defining the problem as military planners need to know what is happening to better develop an operational framework. To do this, the "why" of a problem becomes important. Their discussion of prevention hinges on education, social programs, development of democracy, good governance, and rule of law. For the military planner, these are factors to consider as part of a restoration or stabilization after a mass atrocity. Likewise their stress on "a formula for action" and the need for "the development of specific strategies and mechanisms"[10] is the subject of Chapter 4.

Daniel Goldhagen, a genocide scholar and author of *Worse Than War*, suggests that genocide and mass atrocities are but one facet of a phenomenon he calls eliminationism. Like Lemkin before him, he invents a term so that this phenomenon can be better understood. In Goldhagen's view, the term genocide has been overused in the last few decades in such a way that it has become synonymous with killing or extermination, but per the legal definition genocide covers other crimes. Eliminationism, Goldhagen argues, is a better and more accurate term to describe what is actually occurring in the modern world.

[10] Woolf and Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention," 124.

Goldhagen postulates that there are five principal forms of eliminationism: transformation, repression, expulsion, prevention of reproduction, and extermination.[11] These forms can be employed interchangeably and simultaneously and although there usually is a progression from one to the other, this is not always the case.

Transformation is the destruction of a targeted group's core traits. The political, social, religious, ethnic or cultural factors that form a group's identity are erased by the dominant culture to eliminate challenges or to annihilate memory and identity to subsume the minority into the majority. The prohibition of language is a well-known means to extinguish a culture and cultural memory. The Japanese, for example, forbade the use of the Korean language after occupying Korea in the aftermath of the Sino-Japanese war.[12] The destruction of the *Čaršija* mosque and *Čaršija* in the Bosnian town of Stolac in 1993 by Croatian nationalists demonstrates this cultural destruction in modern times. [13] During the ethnic cleansing that occurred, all evidence of Muslim identity, from the mosque to the graveyard, was destroyed so that any and every trace of the historical existence of this minority was erased.[14]

Repression involves limiting a group's influence to do actual or perceived harm. Examples such as the Taliban making Hindus wear an identifying yellow cloth, Jews wearing the gold star in Germany or the Khmer Rouge collecting the middle class, are

[11] Daniel Jonah Goldhagen, Worse Than War: Genocide, Eliminationism, and the Ongoing Assault On Humanity (New York: PublicAffairs, 2009), 14.

[12] Ibid., 14.

[13] Bosnia and Herzegovina, "Čaršija mosque and Čaršija in Stolac, the architectural ensemble," Bosnia and Herzegovina Commission to Preserve National Monuments, http://www.kons.gov.ba/main.php?id_struct=50&lang=4&action=view&id=1824 (accessed February 18, 2012). Čaršija refers to a central public town square, on which imperial decrees were read out in public.

[14] Rusmir Mahmutćehajić, "On Ruins and the Place of Memory: A Bosnian Post-Script to Communism," *East European Politics and Societies 25*, no. 1 (February 2011), 153-92.

forms of repression. Segregation in the American south, and more recently Apartheid in South Africa are more modern examples of repression.[15]

Expulsion sends the persecuted group beyond a country's borders or to another isolated region within a country. This eliminationist practice sometimes results in the persecuted group being forced into camps, the most extreme form of repression. The Soviet Union, during the rule of Joseph Stalin, deported millions of Chechens, Ingush, and Crimean Tartars, as well as others, from 1943-1944 because they were seen as potential allies of the Nazis. These peoples were scattered far and wide, throughout Central Asia.[16] The resettlements themselves often result in huge numbers of deaths. The movement of millions of Cambodians by the Khmer Rouge from urban centers to the killing fields as part of Pol Pot's worker-peasant revolution resulted in the deaths of one quarter of the country's population.[17]

Prevention of reproduction is an eliminationist act that is less frequently applied. As its name implies, this method of eliminationism seeks to destroy a group by interrupting normal biological reproduction.[18] Though less common, rape was integral to the ethnic cleansing intended to weaken a group biologically, carried out by the Serbs and to a lesser degree by the Croats during the Balkan war.[19]

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[15] Goldhagen, *Worse Than War*, 15.

[16] Aleksandr M. Nekrich, *The Punished Peoples: the Deportation and Fate of Soviet Minorities at the End of the Second World War* (New York: WW Norton & Co, 1978), 107-08.

[17] Ben Kiernan, Blood and Soil: a World History of Genocide and Extermination from Sparta to Darfur (New Haven: Yale University Press, 2007), 547.

[18] Goldhagen, *Worse Than War*, 18.

[19] Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, Mass.: Harvard University Press, 2001), 195-197. Rape as an act of destruction of a people is beyond the scope of this thesis but there is a large volume of work on this eliminationist tactic. See also Thomas Cushman and Stjepan Mestrovic, eds., *This Time We Knew: Western Responses to Genocide in Bosnia* (New York: NYU Press, 1996), and Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2007).

Extermination is the most terrible of the eliminationist practices. Common throughout the ages, it has been perpetrated by even the most civilized nations against all types of victims.[20]

One of the key insights Goldhagen provides is his belief that genocide is always politically based and is used as a means to an end for political leaders carrying out eliminationist campaigns.[21] Goldhagen, like Woolf and Hulsizer, acknowledges that eliminationist campaigns begin with the choices made by a leader or a group.[22] Leaders decide to commit violence and kill members of groups whom they perceive to be threats. Goldhagen finds that the success of an eliminationist campaign does not require the total participation of large groups from society; only participation from relatively small groups that are in or near the center of military or political power is required, combined with the neutrality of the majority of society.

Leaders convince themselves and in turn convince those that actually do the killing that what they are doing is right and necessary. They have come to believe that those whom they want to destroy are less than human; that they pose a threat or any number of other reasons. This makes it possible for neighbors to turn on neighbors as happened in Bosnia and Rwanda.[23] Because they are doing something they believe is good or necessary for their own survival, the killers can kill and they do it with zeal.

The objectives of these political strategies always have the minimization of the victim group at their core. Ultimate destruction may not always be the plan from the

[20] Goldhagen, *Worse Than War*, 19.

[21] PBS, "Worse Than War," You Tube, online video clip, http://www.youtube.com/watch?v=w7cZuhqSzzc (accessed December 28, 2011).

[22] Woolf and Hulsizer, "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention," 113.

[23] Examples of violence between formerly peacefully coexisting groups are easily found when investigating the genocide in the Balkans and Rwanda. See Peter Maass, *Love Thy Neighbor: A Story of War* (New York: Vintage, 1997), 6 & 14 or Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (New York: Farrar, Straus and Giroux, 1998), 115.

outset. However, when initial, less destructive plans prove too difficult, are not fast enough, or are impractical, extermination becomes a logical policy toward a desired end.[24] For Goldhagen, genocide comes down to choices. First, leaders decide to pursue violence as a means to an end. Their goals may vary, but the results are always the same. Second, preventing genocide also is a choice. The key to stopping it is understanding that eliminationism is always political and is encouraged by individuals or small groups of rational people.

Of most use for those trying to plan prevention and intervention is the context he provides as to why these crimes are committed, the identification of triggers and his assertion that genocide and mass atrocities are political decisions made by leaders. These factors allow policy makers and planners to better understand the environment, identify what is happening and determine how to apply the elements of military power.

Like Goldhagen, Benjamin Valentino (who was introduced in Chapter One) agrees that genocide and mass atrocities are fundamentally politically motivated. He also agrees that leaders who choose violence strategically do not require wide public support, only indifference or passivity to the fate of victims and compliance with authority. If these conditions do not exist they are often easily cultivated through indoctrination or propaganda.

[24] Valentino also argues that genocide and mass atrocities are fundamentally politically motivated. For him conventional theory overemphasizes the social and structural variables and neglects the importance and power of small groups in causing and carrying out violence. He also agrees with Goldhagen that leaders who choose violence strategically do not require wide public support. Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century (Cornell Studies in Security Affairs)* (Ithaca and London: Cornell University Press, 2004), 234- 241.

Valentino argues that to successfully prevent future violence it must be predicted. Based on his case studies he believes that future violence will resemble the past. Thus for him, regimes most likely to resort to mass killing will be those attempting to implement radical social changes that materially dispossess a large number of people in a short time (similar to the communist mass killings), that seek the expulsion of large groups (ethnic mass killings) or that are attempting to defeat mass-based insurgencies (counter-guerilla). These activities, when observed should serve as warning signs or triggers.[25]

Because predicting where violence might occur is crucial, regimes or groups espousing or actually attempting these goals should serve as indicators. Groups at or near the center of political or military power are the greatest threat as they will have the means to execute their plans. Leaders may resort to killing to support their most important objectives, and often when other strategies have failed. Their commitment to this course of action and the rapid pace at which violence can develop will mean that intervention may require the use of force.

Valentino feels that response does not need to be especially large or long because often the perpetrator group is small and does not have wide support. Intervention does not require nation building, development of democracy, or solving the problems between groups. Intervention should, instead, "….focus on disarming and removing from power the small groups and leaders responsible for instigating and organizing the killing."[26] The success of any intervention will depend largely on the speed at which that intervention can occur. This is because there is a logistical component attendant with

[25] Valentino, Final Solutions, 240.
[26] Ibid., 241.

transport of an intervention force but also because of the brushfire-like speed at which mass killing can occur. Perpetrators will attempt to accomplish their genocidal campaign quickly because they can be more effective and will meet with less resistance if the victim group is unaware of what is happening or does not have time to organize themselves to resist.[27]

A careful examination of these explanations reveals common threads that are of use to policy makers and military planners. Dehumanization is a critical factor that should indicate that a group is at risk of being victimized. Genocide and mass atrocities are always committed by groups, though these groups do not need to be large, only close to political or military power. Nor is popular support required. Bystanders need only be indifferent to the plight of the victim group. Lastly, genocide and mass atrocities are usually part of a politically motivated plan to remove a perceived threat or impediment. In the case of a non-genocidal campaign, violence may take the form of counter-guerilla, ethnic, or communist type killing. One of the key takeaways for planners is that small groups without wide support can be defeated with relatively small, carefully planned military operations. Chapter Four will examine the conceptual framework that must be developed prior to beginning the planning for that type of military operation.

[27] Valentino, Final Solutions, 241.

CHAPTER 4: OPERATIONAL FRAMEWORK

> Understanding the problem is essential to solving the problem. Problems that require commitment of military capabilities can range from relatively simple and well-structured to extremely complex and ill-structured. …The initial observable symptoms of a crisis often do not reflect the true nature and root cause of the problem, so commanders and staffs must devote sufficient time and effort to correctly frame the problem before devising a detailed solution. Getting the context right helps the commander attack the right problem.[1]
>
> General J. N. Mattis, Commander, U.S. Joint Forces Command
> Vision for a Joint Approach to Operational Design

By understanding the legal background to genocide and mass atrocities and through exploring the concepts of Goldhagen, Woolf and Hulsizer, and Valentino it is possible to develop a conceptual framework to defining the problem and understanding the conditions that may require a military response.

Operationalizing the concept of mass atrocity response requires that the problem be understood so that events can be recognized, decisions made, and action taken. Although morally and legally genocide is at the fore, events in Kenya, Libya, and Syria illustrate that mass killing may not be genocidal, and in fact, may be a mass atrocity or a form of eliminationism. Thus, military planners may have a mandate to intervene regardless of intent. In these instances a genocide-oriented framework, such as that put forth by the UN OSAPG may be ineffective at providing early warning or providing the basis for a decision. However, the concept that genocide, mass atrocities, and

[1] Commander, U.S. Joint Forces Command, *Vision for a Joint Approach to Operational Design,* Memorandum for U.S. Joint Forces Command, (Norfolk, VA, October 6, 2009) , 3.

eliminationism are strategies used by leaders to rid themselves of problems should always be kept at the fore of any problem analysis.

Planners need as much information as possible to understand who, what, where, how, and why so that they can fully appreciate the problem and assess the timing and scope of an intervention. The key to preventing violence is early recognition and decision making before it can even begin.

This framework consists of an overlapping construct containing factors that indicate and identify the potential for violence (See Figure 2). What makes each unique is the speed of development. In almost all cases there are deep background issues and killing is triggered by some type of significant event, such as decisions by leaders, political breakdown, or social upheaval. The patterns are similar as people are first threatened culturally, then physically and finally erased from memory. Because there is no inevitable path to eliminationism, genocide, or mass atrocities, policy makers and planners will have either more or less time to intervene, based upon what factors are observed. Though the phases are presented here in an orderly progression, steps may occur out of order and some may be skipped entirely. This framework only represents how things might proceed, but provides a means to recognize danger and make decisions.

Of the three types of violence, eliminationism[2] is the slowest, with transformation, for example, taking at least a generation. This type of victimization may never reach the violence threshold where an intervention would be a realistic course of action. Less

[2] Goldhagen's definition of eliminationism captures most of the elements of the legal definition of genocide although he clearly intended it to be a broader, non-legal term that might avoid some of the ambiguities associated with the legal term genocide. Legally, genocide also refers to other acts beyond the commonly thought of extermination. Overlap exists between these two forms in the extermination phase. For the purpose of this model genocide equates to the commonly accepted understanding of the systematic killing of a group.

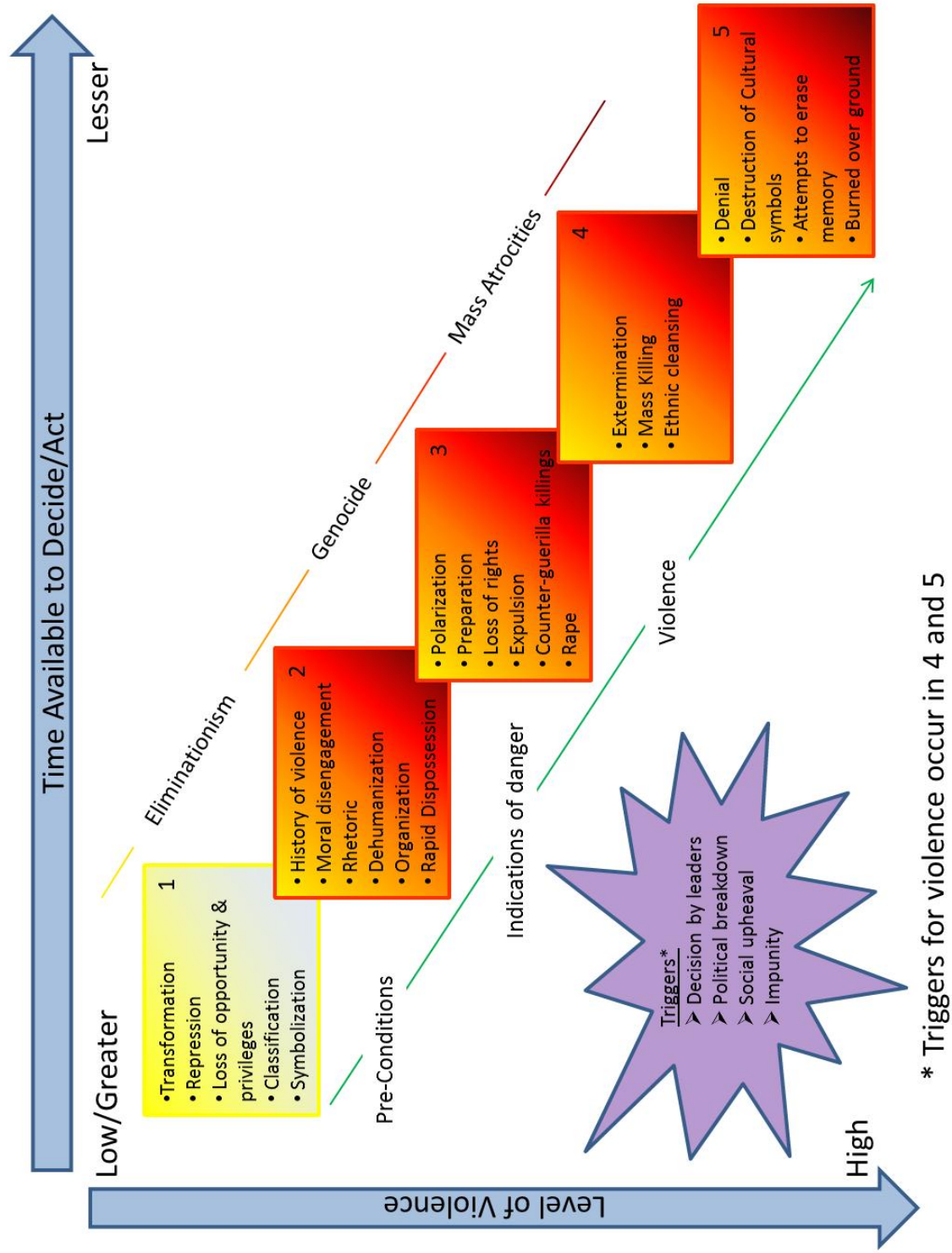

Figure 2: Framework derived from Stanton, Goldhagen, Valentino, and Woolf and Hulsizer

violent forms of eliminationism however, cannot be discounted because they indicate victimization of a group and the propensity for greater future violence.

Genocide to its fullest expression can exhibit very high violence but may be moderate in its development, taking decades as was the case with Nazi Germany. The warning signs will indicate the same propensity for future violence as with eliminationism. Adequate warning will normally exist for genocide provided policy makers and planners know what to look for.

Mass atrocities that arise from a social upheaval or political breakdown are the most difficult because while violence may be moderate, these events may provide little warning as was the case in Kenya, Libya, and Syria. In these instances planners will need to rapidly gain an understanding of the situation if they are to provide a timely response.

The first level of the framework exhibits what can be described as *pre-conditions.* Pre-conditions exist in both Blocks 1 and 2. In this stage violence is minimal, if it exists at all. The threat at this point is not existential but rather to human rights and culture.

Signs of transformation, repression, classification, symbolization, or loss of opportunities indicate a group is at risk and there is potential for escalation. Indications of escalation are moral disengagement from the population, rhetoric from leaders, organization, rapid dispossession or dehumanization. Acknowledged as a tipping point, dehumanization indicates a victim group is at grave risk. Any of these indicators should be the impetus for diplomatic efforts. If the warning signals are faint and violence has not yet occurred, these efforts might take some form of engagement. Leaders in places

where pre-conditions are visible may change course simply because they know the world is watching.

Because early awareness is critical, policy makers and military planners need to be aware of the pre-conditions that can lead to a trigger. [3] Policy makers also need to consider the "…specific goals, beliefs and motives…"[4] of leaders.

Given that many leaders and groups who pose security threats to the U.S. and its allies also commit human rights violations and display some of the characteristics of potential genocidaires, the intelligence community can provide policy makers with advanced warning that the conditions and level of violence are present to move to a trigger event. This also allows Geographic Combatant Commanders to plan for possible contingencies in their areas of responsibility.

In 2008, Kenya exhibited many of the pre-conditional factors such as transformation, a history of violence, and loss of opportunities. Violence accompanied the disputed elections and there was fear that that country could become the next Rwanda. During this period more than 1,000 Kenyans were killed and approximately 600,000 fled their homes in politically motivated violence based on ethnic rifts.[5] In an effort to defuse this situation, Kofi Annan went to Nairobi to try to mediate a political solution between President Mwai Kibaki and opposition leader Raila Odinga. U.S. Secretary of State, Condoleezza Rice also went there to mediate, pressure, and threaten sanctions. Their combined efforts were significant in bringing the carnage and incipient

[3] Numerous non-governmental organizations (NGOs) focus their attention on hot spots and make watch lists of at risk countries. Genocide Watch identified 38 countries as at risk for February 2012. For more information see Genocide Watch, "Alerts," Genocide Watch, http://www.genocidewatch.org/alerts/newsalerts.html (accessed January 18, 2012).

[4] Valentino, Final Solutions, 31.

[5] PBS, "Worse Than War," You Tube, online video clip, http://www.youtube.com/watch?v=w7cZuhqSzzc (accessed December 28, 2011).

ethnic cleansing to an end.[6] Early engagement was successful at preventing future escalation.

The next phase of the conceptual framework exhibits *indications of danger*. This level includes some of the more serious factors from the previous block (dehumanization, organization, or dispossession). As escalation increases polarization, preparation, loss of rights, expulsion, rape or killings as part of counter-guerilla operations may be observed. Extremists will try to drive groups apart and incite violence. This is usually when the first deaths occur as moderates are targeted to silence opposition. Outside intervention may become more difficult. During this phase the situation is deteriorating and should be given additional attention and resources. If the level of violence is low this phase may last a very long time, as it did in Rwanda.

Diplomatic efforts to dissuade threats to vulnerable groups such as economic sanctions, arms embargoes and the seizing of assets should be considered. Three crucial questions need to be asked at this point: What kind of violence is occurring? What is the level of violence? What kind of environment is the violence occurring in? (A modern first-world country with conventional military capability, or an ungoverned space in a failed or failing state with little or no military capability?) It is at this point that early intervention may be necessary, depending on the level of violence, the environment, and the role of leaders in mobilizing action.[7]

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[6] Thomas G. Weiss, "Halting Atrocities in Kenya," Kofi Annan Foundation, 17, http://kofiannanfoundation.org/sites/default/files/Kenya%20FPA%20Weiss.pdf (accessed February 24, 2012).

[7] Gregory Stanton's Genocide Watch recommends that a Genocide Emergency be declared and if will can be mobilized armed international intervention should be prepared, or heavy assistance provided to the victim group to prepare for its self-defense. Genocide Watch maintains a list of genocides alerts. There are three levels of alerts: 1) A Genocide Watch is declared when early warning signs indicate the danger of mass killing or genocide; 2) A Genocide Warning is called when politicide or genocide is imminent, often indicated by genocidal massacres; and 3) A Genocide Emergency is declared when genocide is actually

The *trigger* is the crucial event when thought turns to action that can lead to mass atrocities (ethnic cleansing, war crimes, crimes against humanity) or genocide (extermination). Triggers can take the form of a political breakdown, social upheaval, perceived sense of impunity from lack of response to prior killing or a decision by leaders to execute their genocidal campaign. The decision to commit mass killing is most always political, and is ordered or instigated by individuals or small groups. By paying attention to leaders and rhetoric from the beginning, planners should have a good idea of who the relevant actors are and know who to focus their efforts against. This trigger becomes a moral tipping point for the international community. No matter the amount of violence, if there is evidence of genocide, the international community is bound to act by the Genocide Convention and other more recent commitments such as the Responsibility to Protect.

If the violence is non-genocidal, and is more related to eliminationism or mass atrocities, the decision will be more difficult because of issues of state sovereignty. The Genocide Convention and Responsibility to Protect both affirm the right and responsibility to intervene, but states have been slow to exercise this option. It is difficult to know with certainty from the outside looking in if a state is maintaining law and order or committing crimes.

The *decision for action* phase will be largely influenced by type and amount of violence and the environment within the country. If action is decided upon, it is most likely to take the form of military intervention. This will be necessary because if early indications were present and other efforts were ineffective, the military is most likely the

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underway. See Gregory H. Stanton, "The 8 Stages of Genocide," Genocide Watch, http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html (accessed February 25, 2012).

last option to prevent or stop killing. In almost all cases the goal of the intervention should be the capture of the instigators and elimination or capture of those doing the killing. Failure to act due to lack of warning, lack of political will, or the conditions defining the environment, will result in a greater loss of life.

Both policy makers and planners will be most effective if they understand the problem and the environment. A solid understanding of these variables will give them more time to plan, decide and act. History, as well as the theorists discussed in the previous chapters, shows that mass violence rarely erupts from nothing. There are always background issues and signs that if understood and interpreted correctly will set the conditions for effective military intervention. Chapter Five will examine Rwanda against this framework.

CHAPTER 5: RWANDA

I can tell you the information was not there.[1]

Madeleine Albright
U.S. Ambassador to the United Nations in 1994

The Rwandan genocide in 1994 was a case of the failure of the international community to respond to an event that clearly met the definition of genocide formed at the end of World War II. One of the aspects of genocide and mass killing that makes it so hard to deal with effectively is that recognition is often very difficult. The conditions that preclude genocide can be subtle and fraught with ambiguity. There also exists a golden hour in which response must occur or run the risk of being too late.

Recognition in Rwanda should not have been difficult. The violence there was not the type of non-genocidal event that exhibits few indications of warning. What occurred in Rwanda was a genocidal campaign by Hutu extremists who were politically motivated to remove what they perceived as a threat and did very little to hide their intent.

Pre-conditions in Rwanda began with the arrival of Europeans in the late 18th century. Tensions began when the Europeans classified the Hutus and Tutsis as different based on ethnicity. Prior to the arrival of the Europeans the words Hutu or Tutsi were used to describe economic not ethnic differences.[2] The European fascination with race prompted the Germans to identify the Tutsis as genetically different, and superior to the

[1] PBS, "Worse Than War," You Tube, online video clip, http://www.youtube.com/watch?v=w7cZuhqSzzc (accessed December 28, 2011).

[2] Bernard-Alexandre Merkel, "The Rwandan Genocide: The Guilty Bystanders," e-international Relations, http://www.e-ir.info/?p=2968 (accessed January 7, 2012).

Hutus. This changed the meaning of the word, shifting it to one descriptive of social class, to one representing ethnicity. This idea regarding Tutsi superiority revolved around the physical differences between the two people and continued through the Belgian period with the Tutsis enjoying favored status over the Hutus. The Tutsis had light skin, were tall and had narrow, almost European faces, while the typical Hutu had dark skin, was short, compact and had a wide face, flat nose and large lips.[3]

The favoring of the Tutsis began the political separation of the two groups that would precipitate future violence. Contributing to the classifications was the institution of identity cards by the Belgians shortly after World War I. These cards identified ethnic group and were required to be carried by all citizens. They further increased people's identification with their ethnic group and reinforced divisions along ethnic lines.[4] The identity cards came into play during the 1994 genocide when Hutu killers used them to identify their Tutsi victims. Even without them, however, they still would have been able to do their deadly work given the physical differences between the two groups.

Pre-conditions lasted for decades and began a period of "…tense inter-group relations, including a record of discrimination…"[5] that resulted in a Hutus loss of opportunities and privileges. Repression existed, first with the Tutsis discriminating against the Hutus, and then later, after the coup that brought the Hutus to power, with the Hutus discriminating against the Tutsis. Engagement at this point may have prevented the escalation that would lead to future violence. The factors found in Rwanda at the

[3] Bernard-Alexandre Merkel, "The Rwandan Genocide."

[4] Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (New York: Carnegie Commission on Preventing Deadly Conflict, 1998), 35.

[5] Office of the Special Adviser on the Prevention of Genocide, *OSAPG Pamphlet*.

time exist in many places where violence never builds to the level that occurred in Rwanda in 1994. Genocide was not pre-ordained. The coup in 1959 brought the majority Hutus to power and set the stage for them to consider ways to get rid of the threat that the Tutsis represented. The cultural changes that occurred in Rwanda after the coup would result in an escalation of violence and an eventual tipping point.

Indications of danger began in the 1950s with the Hutus seizing power and the cycle of violence that came out of this event. In the 1950s democratization in Africa, and specifically Rwanda, was pushed by the Catholic Church, which pressured the ruling elite to reform. This democratization was resisted by the Tutsis who did not want to lose privileges or their elevated status in Rwandan society.[6] Reform did occur however, and democratic principles were adopted. Political parties were established in the late 1950s, but were formed along ethnic lines because of distrust between the groups. The Hutus rebelled in 1959, seizing power from the Tutsi king. This time is known as the "Hutu Peasant Revolution" and marked the end of Tutsi domination.[7] The elections in 1961 resulted in solidification of Hutu power as well as the minority Tutsis being relegated to second class citizen status. [8]

This shift in the Rwandan political landscape led to a period of violence from 1959 on, that culminated with the 1994 genocide. Nor was Rwanda the only country affected. The entire Great Lakes sub-region[9] felt the repercussions of the political upheaval and violence in Rwanda. Burundian politics in particular affected the situation

[6] United Nations, "Outreach Programme on the Rwanda Genocide and the United Nations," United Nations Department of Public Information, http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml (accessed January 15, 2012).

[7] United Nations, "Outreach Programme."

[8] Glynne Evans, *Responding to Crises in the African Great Lakes* (Oxford: Routledge, 1997), 20.

[9] The Great Lakes region is comprised of Uganda, Kenya, Tanzania, Rwanda, and Burundi.

in Rwanda and vice versa. Burundian society was divided along the same ethnic lines and suffered from the same tensions and fears.

> The Hutu revolt in Rwanda in 1959, the assassination of Prince Rwagasore in Burundi 1961, the massacre and purges of the Hutu middle class in 1972 which helped consolidate Tutsi supremacy in Burundi, the killing of Tutsi following the coup by Juvénal Habyarina in Rwanda in 1973 and the brutal crushing of an anti-Tutsi uprising in Burundi in 1988 were all watersheds.[10]

Killings in one country added to the fear between the groups in the other country. Large numbers of people fled the violence resulting in refugee populations. These displaced populations were susceptible to manipulation through propaganda and also provided recruits for guerilla forces attempting to return to their countries of origin to seize back power. Tutsi refugees in Tanzania and Zaire staged attacks in Rwanda on Hutu targets and the Hutu government. These attacks led to retaliatory killings of large numbers of Tutsi civilians in Rwanda and created new waves of refugees. By the end of the 1980s some 480,000 Rwandans had become refugees, primarily in Burundi, Uganda, Zaire and Tanzania.[11]

This history of violence caused each group to demonize the other and polarization to occur. The Tutsis, as the minority, were afraid of being exterminated by the Hutus and termed the threat the "Hutu peril."[12] The Hutus feared that the Tutsis would attempt to solve their numerical inferiority by massacring Hutus. These attitudes gave traction to extremists on both sides and caused more moderate voices to be ignored. Killing along

[10] Evans, *Responding to Crises*, 21.
[11] United Nations, "Outreach Programme."
[12] Evans, *Responding to Crises*, 21.

ethnic lines became commonplace and political leaders came to see killing as a way to their ends.

The ruling majority Hutus initiated what many consider a tipping point on the path to genocide when they actively began a program of dehumanization through rhetoric from leaders and messages in the media. Initially, the Tutsis were viewed negatively by the Hutus because of their association with the Belgian colonial masters who favored them. These negative connotations increased when the colonial period ended and the Tutsis became the scapegoats for all of Rwanda's problems. This evolved to the Hutus calling the Tutsis *inyenzi* (cockroach), among other derogatory terms. This term was first coined in the 1960s to describe Tutsi rebels who attacked at night and was then recycled by Hutu extremists in the 1990s as an insult to the Rwandan Patriotic Front (RPF) and Tutsis in general.[13]

Violence against and hatred of Tutsis set the stage for the final run-up to the genocide in 1994. In 1990, western aid organizations pressured President Juvénal Habyarina to accept multi-party democracy in an attempt to more fully include Tutsis in the Rwandan government. Around the same time the RPF launched an attack from Uganda in October 1990 seeking to reform the government through military action and repatriate Rwandans in exile. These attacks prompted the government to begin a policy of deliberately targeted propaganda which further polarized Hutus against Tutsis by identifying Tutsis inside Rwanda as accomplices of the RPF and moderate Hutus as traitors.[14]

[13] Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2007), 184.

[14] United Nations, "Outreach Programme."

In late October 1990 a cease fire was agreed to by the two parties in neighboring Zaire. Despite this, from 1990 through 1993 violence continually interrupted and delayed the peace process. Organization was exhibited when the government trained and equipped militias and paramilitary organizations known as the *Interahamwe* (those who attack together). These groups were instrumental as leaders of the killing groups when the genocide began.[15] During this time despite the cease fire, no real positive changes occurred in the government, control and intimidation of the press continued and Tutsis were targeted for violence. Although supposedly on the road to peace, the Rwandan government completed a $6 million arms deal with Egypt. The Hutu controlled Rwandan government's actions indicated it was not working toward peace in good faith and was actually preparing, in an overt manner, for action against the Tutsis.[16]

The United Nations (UN) became involved as early as February 1991 when the Dar es Salaam accords[17] were signed regarding the repatriation of refugees. Throughout the time leading up to the genocide in April 1994, the UN had personnel on the ground who participated in various fact finding missions and closely monitored the situation. Among these missions, they investigated cases of human rights abuses in Rwanda. In May-June 1993 the UN secretary-general proposed, the Rwandan government requested and the Security Council approved an observer mission which was called United Nations Observer Mission Uganda-Rwanda (UNOMUR).

[15] Christopher C. Taylor, *Sacrifice as Terror: The Rwandan Genocide of 1994 (Global Issues)* (Oxford & New York: Berg Publishers, 1999), 32-33 & 178.

[16] Feil, Preventing Genocide, 44

[17] Ibid., 44. These accords were organized by Tanzania to assist with the voluntary repatriation of Rwandan refugees. Signatory to these accords were the OAU, UN High Commissioner for Refugees, and the governments of Rwanda, Burundi, Uganda, Tanzania and Zaire.

At the same time the Arusha peace accord[18] was signed in August of 1993, the UN received a special report from its mission reporting widespread human rights violations and evidence of genocide. Inaction on both sides led to little progress in the late fall of 1993. Once again, clearly indicating anything other than a desire for peace, the Hutu government continued training militias and government affiliated radio stations transmitted hate speech inciting violence. Polarization continued when extremists in the government isolated and vilified moderates, to include the President. During this time the UN Security Council passed a resolution for an Assistance Mission to be called UNAMIR which was to be integrated with UNOMUR. This entire force was supposed to consist of 2,500 personnel and include two infantry battalions (1600 personnel).[19]

In January 1994 the deployment of UNAMIR was accelerated when solid intelligence was received by the UN that the *Interahamwe* at the behest of the government, was preparing lists of Tutsis and opposition leaders who, when the time came could be rounded up and exterminated.[20] The UN special representative and the UNAMIR commander informed the Rwandan President that they were aware of the plot in an attempt to prevent violence. Through the winter and into the spring of 1994 peace accord deadlines were missed and violence continued to occur.[21]

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[18] The Arusha Peace Accords were signed in August 1993 by the Rwandan government and the RPF. President Habyarimana agreed to share power with the Hutu opposition and the Tutsi minority and establish a broad based transitional government (BBTG). The BBTG was expected to govern for 22 months at which time elections were to be held at the end of 1995. The agreement also called for the integration of the RPF and the Rwandan military as well as the Presidential Guard with the Rwandan elite forces. Lastly, an international force of 2,500 personnel was supposed to deploy to Rwanda to maintain the peace. See Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (New York: Carnegie Commission on Preventing Deadly Conflict, 1998), p.46 and Linda Melvern, *A People Betrayed: the Role of the West in Rwanda's Genocide* (London: Zed Books, 2000), 53.

[19] Feil, Preventing Genocide, 46.

[20] Dallaire and Power, *Shake Hands with the Devil*, 142.

[21] Feil, Preventing Genocide, 47.

At this time the three questions from the framework should have been asked that might have ensured that policy makers were in possession of all the facts and that there was no ambiguity as to what was going on. The UN had found evidence of human rights abuses and targeted killings. There were indications the government was planning a genocidal campaign. Tensions and violence were increasing. The Rwandan government could not have opposed an intervention in any meaningful way. A relatively small force could have acted with little risk to western troops.[22]

Given this information, it was at this point that policy makers could have decided to act given the preponderance of evidence in their possession. Even at this point in the timeline, the window for decision was not minutes or hours but months. The UNAMIR commander had received the intelligence about the government's plans in January. The final trigger did not occur until April. This was the last chance to stop the coming violence but unfortunately lack of political will resulted in too small a UN force without the proper mandate.

The trigger for the extermination phase occurred on April 6, 1994 when the plane carrying the Rwandan and Burundian presidents was shot down as it attempted to land in Kigali. Despite UNAMIR being at full strength, their numbers and their mandate were inadequate to put a halt to the violence that ensued. Killings began almost immediately after the shoot down and escalated in the days that followed. In a move calculated to

[22] Feil, *Preventing Genocide*, 3, 26-28, 37-38. The Carnegie Commission on Preventing Deadly Conflict, the Institute for the Study of Diplomacy at Georgetown University, and the United States Army held a conference to determine what actions forces could have taken to forestall violence, how large it needed to be, what type of training and equipment would be required, when should the force have intervened and what was the correlation between timing and size of the force required. In 1994 the Rwandan Government forces numbered 28-30,000. The conference panel, consisting of senior level military officers and policy makers, determined that the UNAMIR commander's estimate of 5,000 personnel required to stop the violence would have been adequate had it been rapidly introduced and given the proper mandate. The window for their employment was approximately from 7-21 April 1994.

remove the UN as an impediment to their plan, Hutu leaders targeted Belgian peacekeepers hoping that Belgium would remove them from Rwanda as the U.S had done in Somalia just a year prior. The Rwandan Prime Minister and the 10 Belgian peacekeepers sent to escort her from her residence were murdered on April 7th. This resulted in Belgium calling for the removal of all Belgian peacekeepers in Rwanda. The UN Secretary-General, prior to widespread violence, had advised that any reduction in troop levels would only deepen the crisis. Instead of getting the additional troops he needed the UNAMIR Commander was now faced with the loss of his most effective force as violence continued to grow.

At this point in the crisis, the Secretary General proposed three courses of action to the Security Council; massive reinforcement, reduction to a small monitoring cell or a total withdrawal. He also requested a change to the UN mandate to include Chapter VII authority if reinforcements were approved. The UN was unable to reach any consensus on reinforcements and decided to reduce the force to 250 personnel. Finally after 6 weeks of deliberation on May 17, 1994 UNAMIR II was authorized to expand to 5,500 personnel and was given Chapter VII authority. Unfortunately, despite this, the UN could not put together or fund a force and nothing happened.

Early intervention did not occur in Rwanda. As illustrated in the framework, this is when intervention could have been most effective at preventing or minimizing violence. Late intervention will always result in greater violence and loss of life. Doing next to nothing results in full-fledged mass atrocities or genocide and proves that, despite all the post-World War II assertions, the international community knows what to say, but still cannot find the will or means to act. The moral tipping point for the U.S. and the

international community occurred when the plane was shot down on April 6. 1994. Even if a serious intervention had been attempted, the death toll still would have been large given the pace of the killing and the logistics of getting responders to Africa. Unfortunately for the Tutsis and others who lost their lives during that three-month period in 1994, and despite all the information being there, no credible response was mounted. The killing only ceased when the RPF drove the Hutu extremists out of Rwanda and seized the country.

Part of the problem for policy makers considering Rwanda was a lack of recognition due to not understanding the dynamics of genocide and mass murder. Without a framework to guide them there was no way to make a timely decision. This chapter demonstrated that the signs and information required to understand and react to the problem in Rwanda were present. The Carnegie Commission confirmed that the UNAMIR Commander "could have made a significant difference" with a rapidly inserted 5,000 man combat brigade.[23] Chapter 7 will suggest an operational design for just such a force.

[23] Feil, Preventing Genocide, 26.

CHAPTER 6: OPERATIONAL DESIGN FOR MARO

Using the operational framework as a guide to understanding the dynamics within a country that can lead to genocide, mass atrocity, or eliminationism, planners can develop an operational design to support a mission that commits military forces to an intervention. The problem for the planner is that *Joint Publication 5-0, Joint Operation Planning* (JP 5-0) has no guidance for non-conventional operations. Outside of the Joint Operational Planning Process (JOPP), joint doctrine has little or no information on the most crucial aspects of this type of operation – design and operational design.[1] The operational framework derived from theorists and scholars was developed and presented in Chapter 4. This chapter will address the practical method for outlining a generic operational design that addresses MARO.

The Operational Framework

The operational framework is useful because it provides context for the problem of genocide and mass atrocities. This context will assist military planners with formulating an operational design for MARO. While current joint doctrine, specifically JP 5-0, has no guidance for non-conventional operations, it does provide the doctrinal underpinning for the operationalization of MARO regarding design and operational design. This process enables operational level planners to plan campaigns and major operations that link tactical action to strategic policy and guidance.

[1] The term design is synonymous with operational framework. The term operational design refers to the mechanical elements of the Joint Operational Planning Process found in *Joint Publication* 5-0.

Using the derived framework, an operational design for MARO can be applied. Because every environment is unique and every situation different, it is impossible to design an operation that can be used as a template all situations. Still, the intellectual rigor that goes into the analysis will yield important ideas about MARO that one could transfer to other, more specific scenarios.

Modern genocide theorists postulate that military interventions do not have to be long or pursue larger goals such as nation building or development of democratic government. Military responses to natural disasters are usually limited in scope and of short duration. Problems are solved and things are fixed so that the host nation can get back on it is feet. Military intervention with sufficient force and an adequate mandate to prevent genocide or mass atrocities, while more complex than a natural disaster, can in some instances be just as successful in operations of limited duration. The force could intervene to halt violence, just as was done diplomatically in Kenya, and then hand the process over to the host nation, UN or other body. Kenya is an exception to other less successful efforts because 1) the international community reacted swiftly, 2) diplomatic efforts were ultimately very successful, and 3) violence was prevented from spiraling out of control. Had violence continued and escalated, military intervention could have been the next logical step. Military intervention should also have been successful, but coming later in the process there would have been a greater loss of life.

The timeline of a MARO could be very similar to humanitarian operations like the U.S. and others performed for earthquake relief in Pakistan or the tsunami in Thailand. Other examples of short duration military operations are Operation URGENT FURY (Grenada, 1989), Operation JUST CAUSE (Panama, 1989), or the beginning

phases of Operation ENDURING FREEDOM where the U.S. was extremely effective against the Taliban with small numbers of special operations forces supported by air power. Military intervention against perpetrators of mass killing should be able to be conducted along similar lines and be equally successful provided the intervention force is adequately organized, trained, equipped and has the proper mandate. U.S. efforts should be to halt violence, neutralize the perpetrators, and detain or kill their leadership, followed by an orderly transition. Other nations or international bodies (UN or NATO) that cannot provide forces for intervention, should be utilized for transition tasks until the host nation is capable of maintaining its own internal security.

Information Retrieval and Validation

In a situation displaying evidence of a possible genocide, planners should immediately begin improving their situational awareness and constructing an operational framework if they are not already familiar with the country or region. Planning for operations in a country with similar factors to Rwanda should provide adequate time for planners based on historical examples.

Defining the End State and a Proposed Mission Statement

As part of the mission analysis phase, planners should first define the desired end state. A Geographic Combatant Command's (GCC) end state will be influenced by, and ideally nested with, national level documents such as the *National Security Strategy* and *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*.[2] Planners would

[2] Obama, *National Security Strategy*, 48 and Obama, *Sustaining U.S. Global Leadership*, 6. The *National Security Strategy* states "[t]he United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide…and – in certain instances military means to prevent and respond to genocide and mass atrocities" while *Sustaining*

align their operational end state with the guidance found in both these documents. A notional geographic combatant command's strategic end state for MARO might read, *xxxx peoples are protected from the threat of mass atrocities. xxxx authorities are adequately supported to prevent mass atrocities and to mitigate the consequences* (See Figure 3). The operational level end state for a MARO that supports these higher goals should seek to *prevent or halt violence, re-establish civil order, and provide for security and stability until a transition can occur*. This end state will define the long-term goal of the operation to solve the problem of mass atrocities or genocide and set the conditions for the redeployment of a MARO force. At the end of mission analysis, planners would also propose a mission statement for approval from the commander prior to proceeding with the elements of operational design. A proposed mission statement for this notional scenario might be: *USXXXXCOM conducts mass atrocity response operation in country xxxx in order to prevent or halt violence against group xxxx.*

U.S. Global Leadership says "DOD will continue to develop joint doctrine & military response options to prevent and, if necessary respond to mass atrocities."

Figure 3 Objectives and End States

Identifying Objectives

Once approval is received for the mission statement, planners should identify objectives. To achieve the operational level end state five objectives must be accomplished. These objectives are: 1) Secure the Population, 2) Removal of Perpetrator Leadership, 3) Actions of Perpetrators Halted, 4) Civil Order Re-established, and 5) Transition to Civil Authority or the UN. The priority objectives are securing the population from violence either through prevention or intervention and neutralizing perpetrators who are committing the violence. Because evidence shows, especially in the case of genocidal violence, that leaders instigate killing to achieve their political ends, it is also critically important that these individuals be captured or killed so that they are prevented from spreading their messages of hate and inciting further violence. It is likely that without exhortation from leaders all but the most dedicated and hard core perpetrators would retreat back to their normal lives. Without effective command and control or the influence of destructive messages most individuals participating in violence will have not the dedication to continue. Additionally, the threat posed to perpetrators from an intervention force should serve as a powerful disincentive. Once violence is halted and perpetrators are neutralized, an intervention force can concentrate on ensuring that moderates in the host nation government are able to maintain civil order and prepare for a handover to them or to turn control over to them or another body i.e. UN or NATO.

Effects to Objectives Linkages

As part of the design process, planners must also identify the desired effects linked to objectives. These effects describe conditions that must exist in order to

accomplish the previously identified objectives.[3] Effects that support the defined objectives will vary with the situation but for this notional scenario of genocidal violence in a third world country examples of objectives to effects linkages can be seen below.

Effects	#	Objectives
Response force deters threats to victim group	Objective #1	Secure the population
Response force kills or captures perpetrator leadership	Objective #2	Removal of perpetrator leadership
Response force neutralizes perpetrators	Objective #3	Actions of perpetrators halted
Host nation political structure regains ability to govern	Objective #4	Civil order re-established
Response force conducts handover to HN or UN	Objective #5	Transition to civil authority or the UN

Identifying the Center(s) of Gravity

In some situations there may be no adversary center of gravity (COG) to try to influence. In this scenario of escalating genocidal violence the perpetrators will have two centers of gravity. COG #1 is the leadership or those in or near military/political power and COG #2 are the perpetrators of the actual violence. For leaders, this access to power is the source of their strength. At the strategic level, response forces must act against these leaders. Individuals or groups committing violence will constitute the operational level center of gravity and this is the other point that responders must act against.

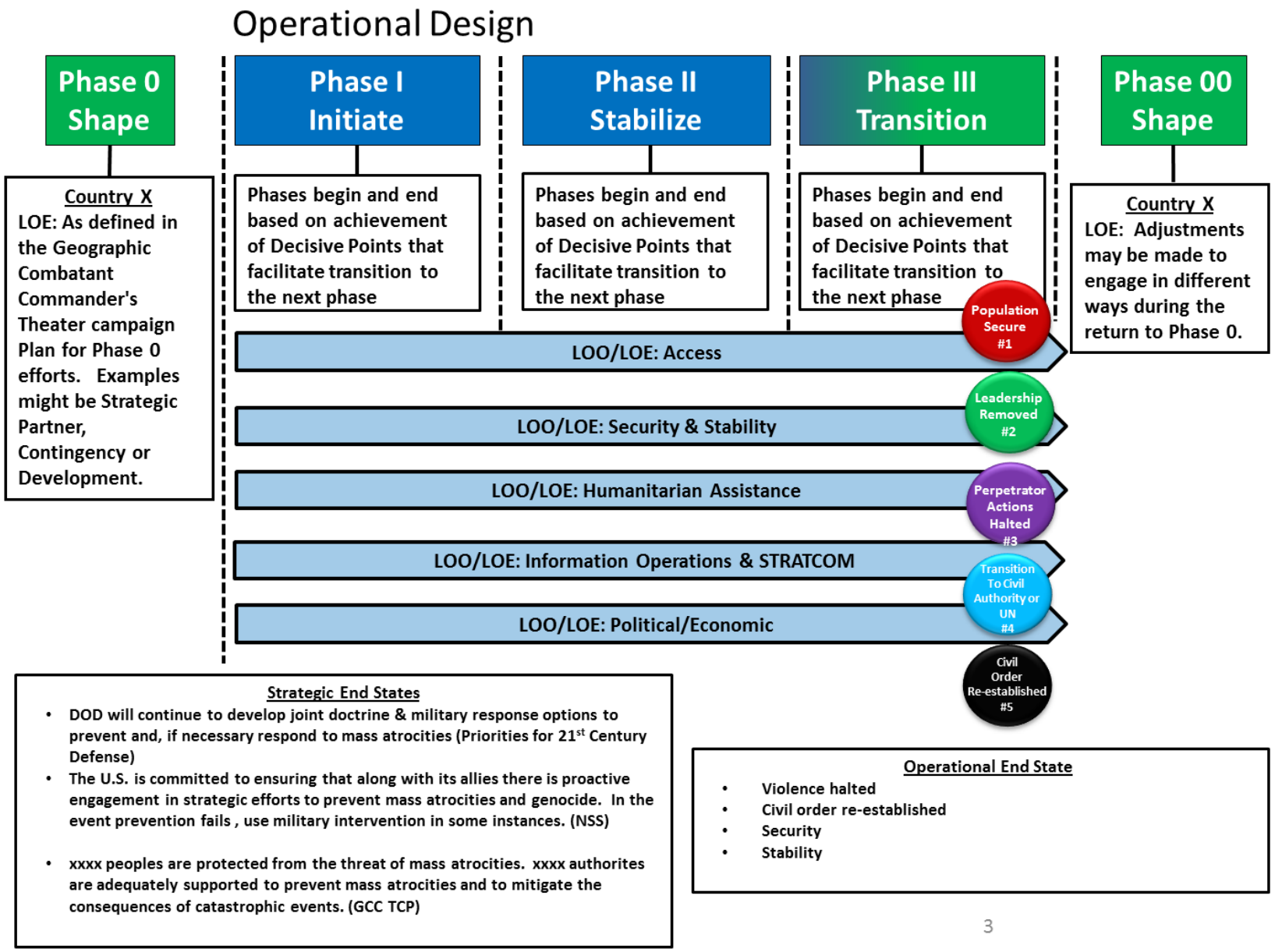
Decisive Points, Lines of Operation and Lines of Effort

Decisive points allow the response force to affect the perpetrators' center of gravity and ultimately achieve the mission objectives. These decisive points are key to attacking a COG. In a short duration MARO to prevent/stop violence and then conduct a

[3] U.S. Joint Chiefs of Staff, *Joint Operation Planning*, Joint Publication 5-0 (Washington, DC: Joint Chiefs of Staff, xx Month 2011), III-20-22

handover to the host nation, decisive points comprise the lines of operation and lines of effort. Decisive points such as securing a base of operations for the response force, neutralizing perpetrators, affecting perpetrator command and control, and conducting information operations will all be critical to undermining and ultimately countering those committing mass atrocities. For examples of the overall Operational Design (see Figure 4) and all decisive points along the design's line of operation (see Figure 5).

Figure 4 Operational Design



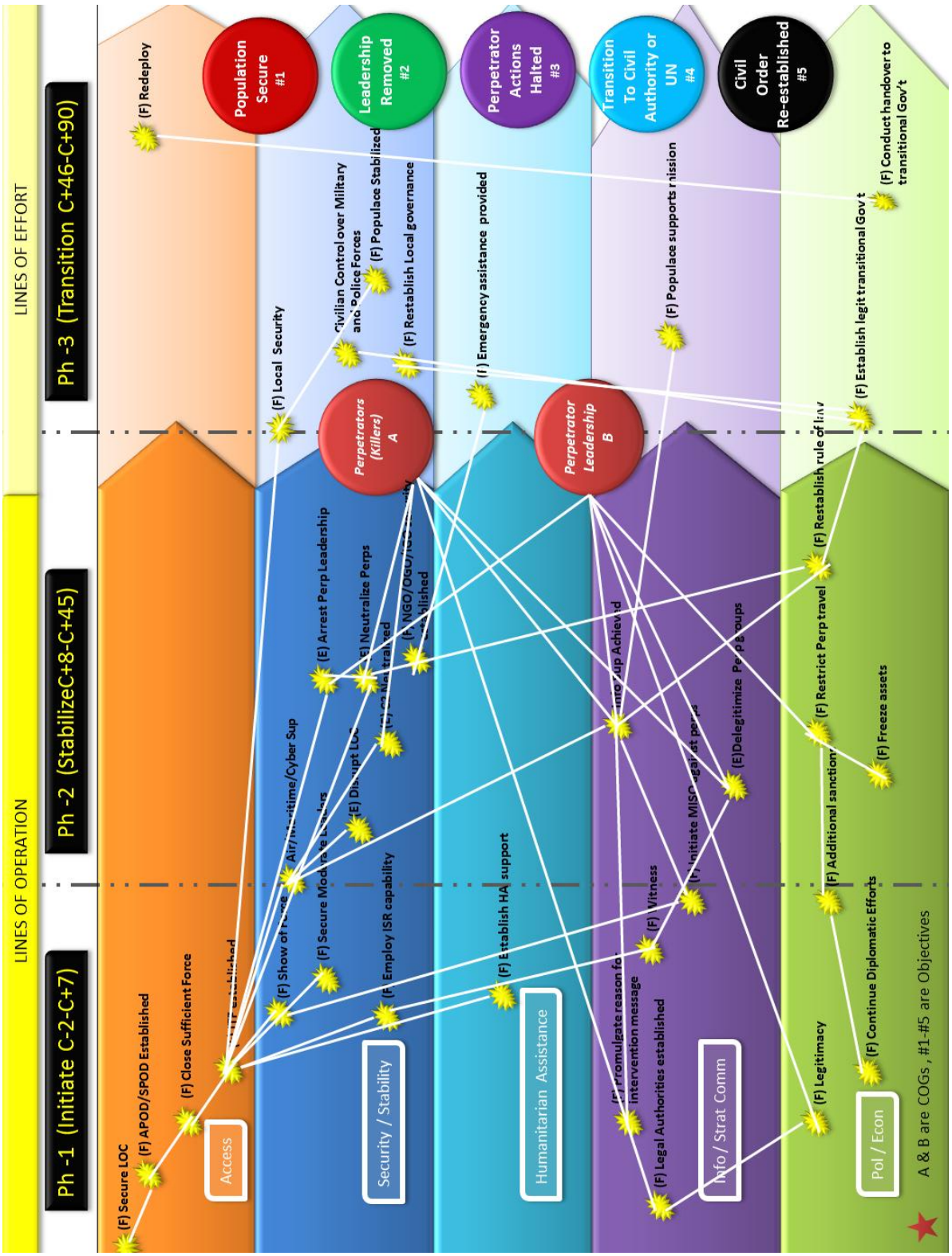


Figure 5 Operational Design

In this scenario both lines of operation and lines of effort are used. Lines of operation (LOO) align efforts in time, space and purpose against the center(s) of gravity. Once a decisive blow has been dealt to the COG/COGs decisive points are aligned along lines of effort (LOE). This sample MARO has five LOOs to affect the perpetrators COGs that subsequently become LOEs during the final phase. These LOOs/LOEs consist of 1) access, 2) security/stability, 3) humanitarian assistance, 4) information operations/strategic communications, and 5) political/economic. These lines of effort allow the response forces to have freedom of maneuver, neutralize perpetrator actions & halt violence, distribute aid as necessary, delegitimize perpetrators and establish the mission's legitimacy and return the host nation to the control of moderate leaders.

Phasing

As stated previously, every situation will be different. In this notional scenario the MARO consists of three phases 1) initiation, 2) stabilization and 3) transition intended to be completed within 90 days. It is not focused on long term goals beyond stopping violence and enabling the return of civil order. There will be no nation building; objectives and effects were developed to quickly transition through Phases 1 & 2 so that responsibility for functional civilian institutions can be handed over to a moderate transitional host nation government or international organization. Once this is complete the MARO force can redeploy and not become entangled in nation building.

This design provides the broad vision for the conduct of a notional MARO. Upon completion of this operational design planners would have the foundation upon which to begin course of action analysis and development, and proceed through the steps of the JOPP.

A response operation is undoubtedly a complex task, but not as hard as the lack of response would indicate in the decades since World War II. Many military operations have been conducted with limited objectives, been successfully accomplished and forces have redeployed in relatively short amounts of time. Planners, especially those with countries of concern in their region, should watch their regions carefully and identify the unique issues that contribute to this problem in their areas of responsibility. By gaining an understanding of the operational environment, constructing their operational framework and applying the tenets of operational design they will be well prepared should military action be called for.

CHAPTER 7: RECOMMENDATIONS

> In Germany, the Nazis first came for the communists, and I did not speak up, because I was not a Communist. Then they came for the Jews, and I did not speak up, because I was not a Jew. Then they came for the trade unionists, and I did not speak up, because I was not a trade unionist. Then they came for the Catholics, and I did not speak up, because I was not a Catholic. Then they came for me, and by that time, there was no one to speak up for anyone.[1]
>
> Martin Niemoeller, Pastor
> German Evangelical (Lutheran) Church

Genocide has become a well understood phenomenon since the term was first coined by Raphael Lemkin in 1944. Mass atrocities (genocide, crimes against humanity, war crimes, and ethnic cleansing) are equally well understood even if the term is relatively new. Despite being the focus of intense study and discussion in the decades since World War II, the U.S. and the international community have done poorly in their attempts to live up to the promise of "Never Again." There have been some minor successes however, and these must be reinforced and built on so that they are more than exceptions to the rule of failure and inaction. U.S. efforts over the past decade have in some way been extraordinary due to the renewed commitment that has been backed up by action. U.S. diplomacy in Kenya, participation in Libya, and efforts against the LRA in Uganda demonstrate U.S. resolve to live up to its stated national security goals. The U.S. must build on these successes operationally and through continued emphasis at the governmental level.

[1] Human Rights Web, "An Introduction to the Human Rights Movement," Human Rights Web, http://www.hrweb.org/intro.html (accessed November 21, 2011).

Strategic prevention should be, first and foremost, with the U.S. and international partners applying all the elements of national power to prevent genocide and mass atrocities, while the goal is always for multilateral, and preferably, non-military efforts. These efforts should start with forward looking strategies to mitigate the conditional factors that contribute to the possibility of genocide occurring. Comprehensive plans that incorporate political (diplomatic), economic, social and informational tools can be effective toward preventing violence before it begins. These actions can be very effective when applied aggressively early, as happened in Kenya in 2007.

If non-military efforts are not effective or there is not time due to an explosion of violence, then military intervention should be used as a tool of last resort. Military intervention saved lives in both Bosnia and Kosovo but was poorly applied due to many factors, one of which was a lack of understanding the problem. Operation ODYSSEY DAWN, the recent NATO led action in Libya, suffered from many operational issues due to the difficulty of managing a 28 nation alliance, but ultimately was successful. The mission's mandate was to protect civilians which it did. This facilitated the Libyan opposition groups' fight against Qaddafi. From the beginning, the operation assisted the Libyans solve what was a Libyan problem. When success was achieved NATO handed things over to the transitional government and redeployed. While by some accounts not a model for the future, Operation ODYSSEY DAWN is proof that an intervention can save lives, and need not be an open ended commitment.

Recommendations can also be drawn from our investigation of genocide and mass atrocities that may be useful for future U.S. policy makers and planners. A key take-away is the necessity of understanding the operational environment. This facilitates the

application of design (operational framework) to both understand the problem and develop decision points for an emerging crisis. As part of the design process planners should utilize the information that can be provided by both the national intelligence community and NGOs that monitor hot spots. Certain Geographic Combatant Commands have more countries that are at risk for genocide and mass atrocities than others. These staffs must be especially vigilant and prepare for the eventuality of a MARO on their watch. As discussed, the early stages of eliminationism, genocide, and mass atrocities allow time for non-military efforts and decision making. The middle stages, however, display increased violence and reduced decision making time. Triggers that send the middle stages into the mass killing and extermination phase must be noticed and reacted to. Once military intervention is required, operational design can bridge the gap from the conceptual phase to the application of JOPP.

U.S military efforts, whether unilateral or part of an alliance or coalition, should be applied as early as possible because evidence shows that the more time allowed for preparation, the greater the death toll will be. Early preemptive action regardless of the ways is essential. A MARO with limited objectives can be successful if properly designed. All military efforts should be directed towards defeating and disarming the perpetrators.

If prevention or intervention is not possible or does not work, perpetrators must be vigorously pursued after the fact and prosecuted by the International Criminal Court or a military tribunal. This serves as the last line of defense against future atrocities and will help break the cycle of impunity that has existed over the last fifty years.

Lastly, genocide and mass atrocities must be prevented or history is guaranteed to repeat itself. Genocide and mass atrocities can break out virtually anywhere. They do not only occur in primitive, undeveloped places inhabited by savages. Nor are they reserved to some distant past time. Genocide occurred twice in the twentieth century in modern civilized nations, first in Germany, and then in the former Yugoslavia. As Peter Maass said in his book *Love Thy Neighbor,* if one were to ask the citizens of Sarajevo in 1984, if they thought their country would be embroiled in ethnic conflict in just eight short years, they would have thought that the person asking the question was either drunk or crazy.[2] Sarajevo hosted the Winter Olympics that year; it seems almost inconceivable that in the last decade of the twentieth century, that same city would suffer the longest siege on record in the modern era.

War as an extension of politics, while never the preferred course of action, is still accepted by all nations as a method of resolving differences. The widespread killing of civilians, however, is not. As a world leader the U.S. must help to ensure that genocide and mass atrocities are made to go the way of slavery, indentured servitude and other practices that no longer exist in the modern world.

[2] Peter Maass, *Love Thy Neighbor: A Story of War* (New York: Vintage, 1997), 274.

CONCLUSION

The U.S. led the efforts on the Genocide Convention after World War II and has affirmed since then its opposition to genocide and mass atrocities. The President has stated in both the *National Security Strategy* and *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* that genocide and mass atrocities detract from international order, and are not in the best interests of the U.S. The President has also affirmed the Responsibility to Protect and has provided U.S. military support in instances where genocide and mass atrocities seemed possible. Despite these policies and commitments the U.S. does not have a framework that clearly links strategic goals and operational efforts.

The Genocide Convention and the Rome Statute of the International Criminal Court defined and put into law the atrocities that the world was largely unprepared to deal with at the conclusion of World War II. This is critically important for an international community that wants to live according to the rule of law. It is also essential for the arrest and prosecution of perpetrators of this kind of violence. An unintended consequence of their definitional process, however, is that ambiguities have been created and countries have used the elements of the law as justification to not act.

The attention in the years after World War II on genocide and mass atrocities brought greater understanding of these phenomena. Many scholars and theorists have studied this problem and determined how and why genocide and to a lesser degree, mass atrocities, occur. While useful to policy makers and planners for understanding the problem, these scholars do not provide a bridge to how to prevent or intervene in genocide and mass atrocities. Despite this, a number of key insights can be derived from

these scholars and theorists that are of use to policy makers and planners. Of all the conditional factors on the path to genocide or mass atrocities, dehumanization is considered a tipping point where people are truly at risk for future violence. Genocide and mass atrocities are almost always committed by groups and instigated by leaders. These leaders do not need widespread support, only bystanders who are indifferent or passive. Violence is often political and meant to remove a perceived threat or solve a perceived problem. Leaders also exploit crises to commence their violent campaigns. Because of the criticality of leaders, prevention and intervention efforts should be focused on these leaders and their followers.

To successfully prevent or intervene, understanding the problem through the use of an operational framework is very important. The framework developed in this thesis allows planners and policy makers to better understand where they are in an escalation of violence and how much time may be available to decide and act. Application of this framework would have assisted policy makers in Washington to better understand the situation faced by the UNAMIR commander in Rwanda during the 1994 genocide.

Once policy makers have an understanding of the problem and decide to act, military planners need to transform their understanding into a broad way to conduct a Mass Atrocity Response Operation. A plan that links end states, objectives, centers of gravity, and decisive points along lines of operation/effort ensures synchronization in time, space, and purpose as well as unity of effort. These operations need to focus on leaders and killers and can be successful even with limited objective and short timelines. A solid operational design becomes the foundation upon which the detailed planning of JOPP is built.

The U.S. has made strides in the past two decades linking action to policy statements. Diplomatic efforts should always be attempted early and first, but a military option needs to be planned for, and used if necessary. This will save victims' lives and ensure that the leaders who instigate these crimes and the killers who perpetrate them understand that their actions will not go unpunished.

APPENDIX A

Convention on the Prevention and Punishment of the Crime of Genocide[1]

Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948

Entry into force: 12 January 1951, in accordance with article XIII

The Contracting Parties ,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided :

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;

[1] Office of the United Nations High Commissioner for Human Rights, "Convention on the Prevention and Punishment of the Crime of Genocide," Office of the United Nations High Commissioner for Human Rights, http://www2.ohchr.org/english/law/genocide.htm (accessed March 25, 2012).

(e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(a) Genocide;
(b) Conspiracy to commit genocide;
(c) Direct and public incitement to commit genocide;
(d) Attempt to commit genocide;
(e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a procès-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

(a) Signatures, ratifications and accessions received in accordance with article XI;

(b) Notifications received in accordance with article XII;

(c) The date upon which the present Convention comes into force in accordance with article XIII;

(d) Denunciations received in accordance with article XIV;

(e) The abrogation of the Convention in accordance with article XV;

(f) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

APPENDIX B

Article 7: Crimes against humanity[1]

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;
(b Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
(i) Enforced disappearance of persons;
(j) The crime of apartheid;
(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
(b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

[1] United Nations, "Rome Statute of the International Criminal Court." United Nations, http://untreaty.un.org/cod/icc/statute/romefra.htm (accessed November 9, 2011).

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8: War crimes[2]

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

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2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

[2] United Nations, "Rome Statute of the International Criminal Court." United Nations, http://untreaty.un.org/cod/icc/statute/romefra.htm (accessed November 9, 2011).

(i) Willful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Willfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

(xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic

monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(x) Declaring that no quarter will be given;

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

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VITA

LCDR Matthew Furlong

A native of Ansonia, Connecticut, LCDR Furlong was commissioned in 1991 as a Second Lieutenant in the U.S. Army. He graduated cum laude from Providence College with a BA in English and was also a Distinguished Military graduate.

He attended the Army's Aviation Officer Basic Course and Flight School from Aug 1991 – Sep 1992. Upon completion of the Officer Basic Course he attended Ranger School, graduating in February 1993. His first assignment was to the 1st Infantry Division at Fort Riley, Kansas where he served as a UH-60 Platoon Leader and Battalion Adjutant in the 4-1 Aviation Regiment. In 1996 he returned to Fort Rucker, Alabama for the Aviation Officer Advanced Course enroute to his assignment with the U.S. Army's 160th Special Operations Aviation Regiment (Airborne) at Fort Campbell, Kentucky. There he served as MH-60K Platoon Leader, Company Executive Officer, Company Operation's Officer, Headquarters & Headquarters Company Commander and Liaison Officer to the 75th Ranger Regiment.

In August 2001 he transferred to the U.S. Coast Guard through the Direct Commission Aviator Program. His first Coast Guard assignment was to Air Station Clearwater, Florida (2001-2004) where he flew the HH-60J Jayhawk and served as a Flight Schedules Officer. LCDR Furlong was assigned to Air Station Cape Cod, MA (2004-2007) where he served as an Instructor Pilot and H-60 Standardization Officer. His most recent operational tour was as an Instructor and Flight Examiner at the Coast Guard's Aviation Training Center in Mobile, AL (2007-2011).